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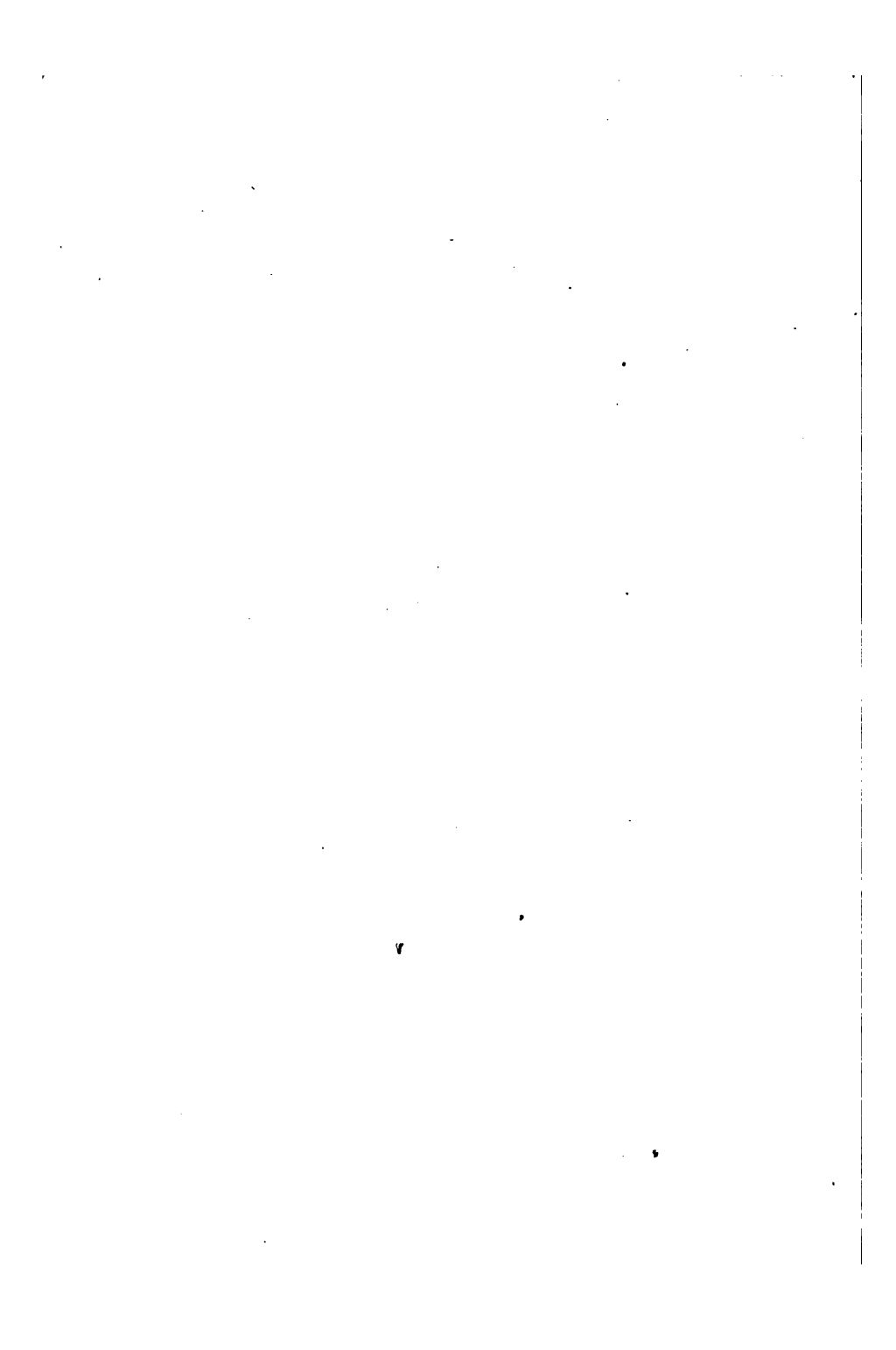
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# HANDBOOK OF MUNICIPAL GOVERNMENT

CHARLES M. FASSETT



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1. Municipal governments U.S.

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**HANDBOOK  
OF  
MUNICIPAL GOVERNMENT**



1. Municipal governments U.S.

9p

**HANDBOOK  
OF  
MUNICIPAL GOVERNMENT**

**BY THE SAME AUTHOR**

**ASSETS OF  
THE IDEAL CITY**

**A brief description of the more important  
institutions, activities and undertakings  
which pertain to modern life in cities.**

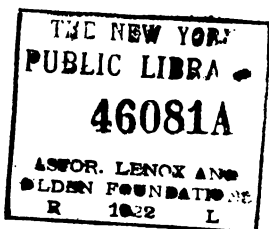
**THOMAS Y. CROWELL COMPANY  
PUBLISHERS                      NEW YORK**

# HANDBOOK OF MUNICIPAL GOVERNMENT

BY  
CHARLES M. FASSETT  
SPECIALIST IN MUNICIPAL GOVERNMENT  
AT THE UNIVERSITY OF KANSAS  
FORMER MAYOR OF SPOKANE

NEW YORK  
THOMAS Y. CROWELL COMPANY  
PUBLISHERS

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## PREFACE

This book, as is indicated by its title, is intended to be a handy volume containing the essential facts of the development and structure of city government, including an outline of some of the administrative processes through which democracy functions in municipal affairs, and some comment, criticism and opinion upon these facts and processes. It does not pretend to exhaustive treatment of the subject, nor to rival or supersede the more voluminous texts and treatises which are available to the student who may desire to make an intensive study. The effort has been to condense the material into a handy and readable volume without sacrifice of essentials.

The book is the product of the author's long and varied experience as a public official, his interest in the growth of good citizenship, and his studies of the forms of government and the details of administration in many of our American cities. While primarily intended as a text-book for use in schools and colleges, it is hoped that it will be found useful for the instruction of that large and rapidly-growing element of the American people, the men and women who are now taking a greater interest than ever before in their local government; who are ready to consider the duties and

obligations of citizenship as well as its rights and privileges.

Millions of American women have recently acquired the political equality which they have long sought, and to these new citizens, ready and anxious to perform the new duties with intelligence and effectiveness, this volume is particularly dedicated. It will be found as well adapted to systematic study by citizens' organizations as to individual reading.

In outlining and classifying the various forms of municipal government now in use in American cities, it was at first thought desirable to name one or more cities which had adopted each form, but this idea was abandoned when it was realized that our cities are rapidly changing their charters to meet the newer conception of better city government. Indeed, Cleveland, Ohio, lately a type of Responsible-Executive form, changed its organization to City-Manager form between the dates of writing and of printing this book.

The author desires to acknowledge his indebtedness to the standard texts, to friends who have read and criticised portions of the manuscript, and particularly to Mr. C. G. Hoag, Secretary-Treasurer of the Proportional Representation League, who has furnished the section on proportional representation.

C. M. F.

January 6, 1922

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# HANDBOOK OF MUNICIPAL GOVERNMENT

## CHAPTER I

### ORIGIN OF CITIES

**Definitions.**—The term “municipality” in its broader significance, covers “any subordinate public authority created by the central government and vested with legal rights of a corporation,”<sup>1</sup> and therefore applies to many governmental units of modern times. A port district, a school district, or a sanitary district, established by state legislative authority, is a municipality. In this book the words “municipality” and “city” will be used as restricted in meaning to a populous and compactly built area, having an organized government derived from the state and charged with the general welfare of its inhabitants.

**Historical.**—Cities existed before history began to be written. Ancient and medieval cities did not, however, generally derive authority from a state or a sovereign. On the contrary, they were frequently independent of any outside authority, and were self-

<sup>1</sup> John A. Fairlie's *Municipal Administration*, 1901, p. vi, Preface.

contained and self-sufficient governmental units. In the remote past, when our ancestors were wandering without fixed habitations, the desire for companionship and the need of protection from attack brought them together in groups and bands. The family became the tribe and the father became the patriarch. The necessity for leadership in the settlement of tribal disputes and in defending the little community from outside assault developed the beginnings of government. When the necessity came for tilling the soil, or for holding and defending springs or other sources of water supply necessary for the flocks and herds which constituted the wealth of that early day, habitations became fixed, huts were grouped about the strategic locality and city life began.

**The Ancient City.**—The earliest cities of which we know anything definite were grouped about the Mediterranean Sea and in the fertile valleys of Mesopotamia and Egypt. Of their origin and government we have but meagre information. Their history, so far as we know it, is a record of what the historian Gibbon characterizes as the basis of all history—"the crimes, follies and misfortunes of mankind."<sup>1</sup> Barbaric magnificence, war, conquest, pillage, devastation, decay, follow each other in swift-recurring sequence, until with the enslavement of a people, the abandonment of once profitable trade routes, or wanton destruction, there is nothing left but a few humble huts in the

<sup>1</sup> E. Gibbon, *The Decline and Fall of the Roman Empire*, Harpers, I, p. 94.

shadow of the monuments of past greatness, or a mound to direct the antiquarian where to dig. It is difficult for us to realize that the same sort of people as we, constituted the population of these ancient cities, with the same instincts for comfort, ease and safety; with like activities, hopes, fears and aspirations; living their lives day by day, unconscious of the great, slow-moving forces making for civilization and progress.

"The folk that walked in Babylon, they talked of wind and rain,  
Of ladies' looks, of learned books, of merchants' loss and gain,  
How such-an-one loved such-a-maid who loved him not again,  
(For maids were fair in Babylon, Babylon, Babylon).  
Also the poor in Babylon of hunger did complain."<sup>1</sup>

The governments of these ancient cities were as diverse and changeable as those of our time. There were monarchies, absolute and limited; aristocracies, of birth, wealth and intellect; democracies, always limited by a very restricted franchise, and military despotisms and suzerainties. Whatever the form, the government was that of a few, for human slavery was universal and city populations were made up largely of serfs and slaves. Occasionally there was an era of good government, the gift of a kindly or intelligent monarch. Of the reign of the Antonines in Rome, Gibbon tells us that in no other period of history was the welfare of a people so completely the object of government. Even today there are those who hold that the ideal government is an absolute monarchy "with an angel on the throne."

We may assume that the early cities came into ex-

<sup>1</sup>Lucy Lyttleton, *Lyrical Poems*, "Quod Semper," Thos. B. Mosher, 1912.

istence for three principal causes: first, for the protection of life and property through mutual action or by a powerful patron; second, for the better carrying on of exchange, commerce and transportation; third, as the seat of government or religious establishment. Ancient cities did not develop about a water power as have many of the industrial centers of today. Industry was individual, and urban communities with their near-by fields and flocks, were self-supporting and self-sufficient for the simple needs of the people. Commerce began with the development of a wealthy and leisure class which demanded articles of luxury and show, in order to distinguish its members from the humble masses. Caravans from India and Arabia brought rich fabrics, carpets, jewelry, spices and perfumes through Syria to the sea, where they were transferred to boats which carried them to the luxurious homes of Athens, Rome, Carthage and other Mediterranean cities. Antioch grew and thrived by this traffic until, in the Middle Ages, navigators grew bold enough to brave the tempests of the Cape of Good Hope and open the direct sea route to the Indies.

**The Medieval City.**—The period known in history as the Middle Ages extended approximately from the invasion of Italy by the Huns to the discovery of the new world, that is, from the middle of the fifth to the end of the fifteenth century. Although this thousand years is called the "Dark Ages," although it witnessed the complete overthrow of the civilization of Greece and Rome, we shall find that it was a time of

growth and development of civic life, and that there emerged from its havoc and destruction a new concept of morals and a dawning consciousness of the inherent rights of man. The passion of the Hun invader was to destroy and obliterate that which he did not understand or desire; and we lament the destruction of the great libraries, the magnificent architecture and the splendid examples of Greek and Roman art. But this art and learning was the result of the growth of a wealth and leisure which, without the guiding star of religion and morality, produced also an era of licentiousness and debauchery the like of which the world had seldom seen. Civilization doubtless needed a fresh start, a new beginning, a possibility of growth upon a safer and more stable foundation. Hence the Dark Ages.

We must not expect to find a rapid growth of civic consciousness. Indeed, the conditions of city life at the close of the fifteenth century were disheartening and deplorable as compared with our own times, and encouraging only by comparison with what had gone before. A few reformers with prophetic vision, a few men ready to stake their lives for principle, "Some village Hampden who with dauntless breast the petty tyrant of his fields withstood,"<sup>1</sup> a handful of crusaders devoted to unselfish and idealistic quest, raise the standard of human life, ever so little, but permanently and unmistakably. The spark of a slowly spreading religion for which its converts were ready to suffer and

<sup>1</sup> Gray, *Elegy in a Country Churchyard*.

to die was kept alive and its influence slowly expanded in spite of persecution, in spite of the excesses of its zealots and the abuses of its temporal power.

The outstanding characteristic of government in the Middle Ages was the growth of feudalism. The Huns and Vandals could destroy but they could not organize the captured territory, and as the devastated regions slowly came back to life and the few scattered inhabitants who had escaped the cataclysm huddled fearfully together and began to till their little plots, there arose leaders whose skill, prowess and intelligence enabled them to dominate their localities, and to build up petty kingdoms over which they could reign with practically undisputed sway. A fortress was built upon a strategic site, surrounding a castle to house the feudal lord, his family, and his servants and retainers. This was the beginning of the medieval city. Its inhabitants were serfs, dependent for their protection from robber bands upon their lord, and compelled to render to him their armed assistance in war, and their labor and any of its fruits he might demand, in peace.

The lord may have professed allegiance to some king or emperor, but distances were great, roads often impassable, the power of kings weak and dependent upon the support of their lords, and dangers were local and immediate. Attack from rival lords or roving outlaws might come without warning. There was no law but force and no restraint but fear, either for the lord or for his serfs. There was no money, or at best a scanty

and uncertain currency, and commerce was limited to exchanges in kind.

As population increased in these feudal towns, and as industry and commerce began to develop, feudal exactions became more and more intolerable. A developed industry might be ruined by calling its workmen to arms. The lord claimed absolute right over all persons and property and could throw a citizen into prison, ruin him with fines, impose upon him or his family some hateful indignity, or even put him to death. The townspeople began to find deliverance from these tyrannies by purchase, by the wholesale bribery of the agents of the king or the local tyrant, and by such negotiations as could be made when their lord needed something which could be obtained only through their co-operation. Not only did the people thus obtain certain concessions and abatements from their feudal masters, but the lords themselves, by uniting and trading, forced like concessions from their kings. The rights or concessions thus obtained were jealously guarded and enforced with all the power of a growing independence. It is notable that in England, where the cities had made the most progress, the Great Charter obtained from King John in the thirteenth century, provided in one of its sections that the citizens of London should retain "all their ancient liberties and free customs."<sup>1</sup> thus showing that rights once obtained were often ruthlessly withdrawn or infringed.

The growth of the medieval cities was induced by

<sup>1</sup> *Magna Charta*, Chapter XIII.



commerce and by the development of money as a medium of exchange and an evidence of wealth. Wealth needed protection and a stable money. It brought leisure, and leisure stimulated commerce by its demand for luxury and led to study and intellectual growth. Law followed priestcraft as a favored calling. Among the new liberties many cities had the privilege of electing their own officials, collecting their tribute or taxes and rendering them in bulk to the king rather than having them collected in detail by the king's officers. By a century or more of persistent effort the cities gradually freed themselves of the feudal oppressions to such an extent that they became more independent of national governments in the fifteenth century than they are today. English cities, as the Middle Ages drew to a close, "defended their own territory, built and maintained their own walls and towers, armed their own soldiers, \* \* \* elected their own rulers, \* \* \* drew up formal constitutions for the government of the community, and as time brought new problems and responsibilities, made and remade and revised again their ordinances."<sup>1</sup>

**The Modern City.**—In this twentieth century there are oriental cities which have not been touched by the magic wand of civilization; cities of hundreds of thousands of inhabitants without a bathtub or a sewer, where taxes are "farmed," banking and exchange in their modern sense are unknown, where starvation

<sup>1</sup> Mrs. J. R. Green, *Town Life in the Fifteenth Century*, 1907, p. 2.

always threatens and pestilence perennially reaps its grim harvest. Even in Europe a recently returned traveler reports that in Spain there are five thousand towns and villages without roads, and approachable only by trails. With such instances and conditions we have no concern as students of modern municipal life. Cities, institutions and opinions may be archaic without being ancient. Modernity is not always a question of dates.

We are interested in the development of the cities of western Europe, particularly those of England and Germany, for we find in them the working models of some institutions and practices which have been made part of our most recent American progress in city administration. Near the close of the Middle Ages France and England had national governments of considerable power and authority, but that of Germany was weak and ineffective, and afforded little protection to the young cities developing on trade routes in the interior and along the shores of the Baltic. Practically self-governing in themselves, their power and influence decreased with distance from their walls. Their hinterland was infested with robbers and their coasts terrorized by sea robbers and pirates. The growing commerce with each other and between them and the marts of England, Holland and Scandinavia was constantly threatened and frequently raided, and this condition brought about a league of German cities, principally for the protection of trade but destined to great political influence and to continue until stronger central

governments were able to afford them more adequate protection.

**German Cities.**—The German city was thus the predecessor of the state and not its creature as in America, and it has retained, in the growing control of centralized government, a considerable measure of its former power and independence. This power was submerged during the period of absolute national sovereignty but was again measurably restored in the early nineteenth century. Many variations in the form of city government exist in Germany, as elsewhere, but for our study the structure and activities of the Prussian city in the period immediately preceding the World War of 1914-1918 will suffice for our comparisons. Germany is now a republic, and this fundamental change in national government may be productive of some changes in city government.

The Prussian city government is flexible and adaptable because there is nowhere a specific and binding statement of its powers. Local authorities are charged with the general administration of communal affairs, and have therefore been ready to meet such new responsibilities as have come from the enormous growth of population and the increase in municipal functions in recent years. They may raise money by such methods of taxation as they can endorse or invent; they are custodians of the city's property and may acquire and hold, or dispose of, such property as they see fit; they may buy or sell any sort of merchandise when the traffic is of benefit to their people; they can, in fact, do every-

thing that the good government of the city may seem to require. Anything that promises to promote the public welfare the Prussian city may claim as its right, unless the thing is specifically forbidden by imperial law, and such restrictions are not common. The state controls education and the police system, but the administration of the latter is sometimes delegated to local authorities under supervision from the central government. In some matters of taxation, communication, public health, commerce, utilities of country-wide scope, and railways, the state retains control of wider aspects, leaving local relationships to be determined by local authorities.

The government of Prussian cities is vested in the town council, the executive, usually called "Burgomaster," and an appointive administrative board. The council is elected for six-year terms, one-third retiring every two years. City councils are large bodies, serving without salary and elected under a property qualification whereby each one-third of their members is elected by a group of citizens which pays one-third of the taxes. Thus a few men of wealth elect one-third, a larger number of the well-to-do elect another third, and the great bulk of more humble citizens the remainder. The city council is therefore always controlled by a small minority of the more wealthy citizens. In spite of this undemocratic method of selection, the position is honorable and much sought after, and the city council so constituted usually administers the government with unselfishness, little class legislation and a high ideal of public service.

The burgomaster is elected by the council from any part of the country, is paid a good salary, and is not only the ceremonial head of the city but its general executive official, with authoritative supervision over all its activities. He is elected for a twelve-year term, and men of ability are often re-elected. His functions correspond roughly to those of an American mayor and city manager combined. In Germany able men may choose city administration as a career, may spend years in preparation for the work, are often promoted from a smaller to a larger city, and are given a pension on retirement. The administrative board in every Prussian city is a training school for burgomasters.

This board, called the "Magistrat," is a body of experts who make a profession of city administration, chosen by the council from men who have shown ability in the council or in other public service, or who have been trained for the work. Its size depends upon the size and need of the city. Most of its members are salaried, are chosen for some definite city service such as law, accounting, water supply, sanitation, housing, etc., and are comparable to heads of departments in an American city; but it functions also as a body, and may sometimes over-ride the decisions of the burgomaster, who is its chairman. Its work is purely administrative.

Aside from the method of election of the representative council, which is repugnant to American principles, the government of German cities furnishes an example of honesty, intelligence, efficiency and care for the

esthetic as well as the material needs of their people which our cities may well study and try to emulate.

**English Cities.**—The history of the English city of modern times has been greatly influenced by the existence of a strong and fairly stable national government. Before the passage of the Municipal Corporations Act of 1835, cities were the chief battle-grounds of English politics and suffered from all the abuses to which those American cities which have not thrown off the yoke of political party domination in purely local affairs are still subject. English cities were nearly a century ahead of American cities in the realization of the evils of partizan national politics in city life, and they accomplished in 1835, by an act which followed a searching parliamentary investigation and which applied to every large city in the United Kingdom except London, the reform which is now taking place in America, but slowly, and one city at a time, with much difficulty and opposition. "Prior to 1835," says Eaton, writing in 1899, "the governments of English cities had generally become as partizan, corrupt and despotic, \* \* \* as such governments and laws now are in the United States."<sup>1</sup>

The London of the seventeenth century had much the same conditions as its neighbors on the continent. There were no sewers, and such cleaning, paving and lighting of the streets as was done, was by the individual citizen or tenant. Thieves and robbers plied

<sup>1</sup> Dorman B. Eaton, *The Government of Municipalities*, 1899, p. 310.

their trades and every able-bodied inhabitant was supposed to take his turn in a body of a thousand night watchmen, in an effort to protect the lives and property of the citizens. Sanitation was unknown and plagues and epidemics periodically decimated the population.

The English city is the creature of parliament, as in America it is, in most states, the creature of the legislature, and hence has little of the freedom of expression of the German city. Its status and rights may be changed by act of parliament, but no fundamental change has been made in its government since 1835 except in extension of the franchise and the abolition of plural voting on a property qualification. It cannot do anything which it has not been specifically granted the power to do, and is considerably hampered by the conservatism of English life. After strenuous legal battles the city of Manchester was denied the right to carry parcels on its city-owned street railway cars, and Sheffield, though owning and operating its gas works, was forbidden by the High Court to sell gas stoves!

The machinery of government is simple, consisting of a city council, three-fourths of its members elected by popular vote and one-fourth appointed by the elected members. The council sits as a single body, elects the mayor, city clerk and other officials, and administers the government through committees and subordinate officials. The city clerk is the only official who corresponds in any degree to the German burgomaster, and his functions are more advisory than administrative. He is sometimes called from outside the city and is

usually a lawyer who is posted on the details of city activities. The clerk is the only well-paid city official.

Mayors of some of the larger cities receive salaries, but the social duties of their office are expensive and usually call for a liberal use of their private funds. As the mayor's office is one of great honor, men of ambition and fortune are always ready to seek it. On ceremonial occasions the Lord Mayor of London ranks next to the King and above the royal family. The unit of government in England is the borough, the term "city" being properly applied only to a town which is, or has been, the seat of a bishop, or which has been so designated by royal charter. The city of London is a square mile of area in the greater London, which, politically, is composed of two "cities," London and Westminster, and twenty-seven boroughs.

**American Cities.**—The American city is essentially a growth of the nineteenth century. In 1790 only three per cent of our population lived in cities; now more than half of our people are city dwellers. There were then but four cities of over 10,000 population: Philadelphia with 42,000; New York with 33,000; Boston with 18,000; and Baltimore with 13,000; their combined population of 106,000 being exceeded today (census of 1920) by sixty-four individual cities. Two hundred and seventy-four American cities have now more than 25,000 population each.

City government in America started with the incorporation of New York as a borough in 1653. It changed to an English municipal corporation in 1664



and received its first charter as a city in 1686. To follow New York through its varying experiences and experiments in city government would take a bulky volume; we must be satisfied with the bare statement made recently in the *New York Times*, that the city charter "has been revised more than one thousand times since its adoption in 1896,"<sup>1</sup> and with a glance at the first organization under the first charter of 1686.

It had a council elected by the people, with a mayor and a sheriff appointed by the colonial governor. It was made a county at this time, but county and city government were not merged, and the present greater city now contains five counties, with many expensive and cumbersome duplications of offices and functions. The original form of 1686 lasted 135 years (thirty-two years after the adoption of the Constitution of the United States), with the exception of the seven years during which the city, in the Revolutionary war, was held by the British under martial law. Philadelphia became a city by incorporation in 1701.

In the early development of city government the executives were invariably appointed, and usually by the governor of the colony or state. The first mayors to be elected by the people were those of Philadelphia in 1826, Baltimore in 1833, and New York in 1834. After the adoption of the Federal Constitution in 1789, the feeling against England was strong, and influenced not only government but usage in common and sometimes trivial things. The rule of the road, which in Eng-

<sup>1</sup> *New York Times*, April 17, 1921.

land was to turn out to the left, was in America changed to the right, but the driver's seat was still retained on the right-hand side of the vehicle, and so remained until the introduction of the automobile, when common sense brought about the change of the driver to the left side as contributing to greater safety. This feeling influenced the young cities to follow the organization plan of the federal government as against that of the English borough, and in a number of the older cities this federal form, with its two houses and large membership of city councils, has persisted to the present day. But in New England there had already grown up the system of town meeting government, and it has endured in spite of all innovations, not only for rural communities but for some cities as well.

The outstanding characteristic of city government in the United States today is its diversity. The city is the creature of the state, its machinery is determined to a considerable extent by constitutional provisions, and no two state constitutions are exactly alike. In different states city charters may be made directly by legislative act, may be selected by the city from a variety of fixed forms, may be imposed upon the city when it reaches a certain size, or, under so-called "home-rule" provisions in several states, may be formed by a board or commission of citizens elected by the people of the city for that purpose, and thereafter adopted by a vote of the people. A like diversity exists in the means of amending city charters, but the greatest cause of difference is in the continuing supremacy of state laws

over city charters and ordinances, thus allowing every recurring session of the state legislature to alter the conditions and restrict the self-expression of city government.

The only states that now give their cities real "home rule" are Colorado and Oregon. Colorado has a constitutional provision enabling its cities of more than two thousand population to frame their own charters and make their own laws covering "all local and municipal matters," and further providing that "such charters and ordinances made in pursuance thereto in such matters shall supersede, within the territorial and other jurisdiction or town, any law of the state in conflict therewith." Oregon allows its cities to govern themselves, subject only to the "constitution and criminal laws" of the state. Some constitutions prohibit special laws for individual cities, but this prohibition is readily overcome by classifying cities according to population, within such limits as will include each important city in a class by itself, and then making the law "general" by applying it, not to the city by name, but to "all cities of the first [or other] class." It will be seen that by reason of this diversity American city governments are not readily classified as to type, and that any attempt to do so must be along very general lines and subject to many exceptions.

This brief historical review of the development of American cities would be incomplete without some reference to the causes of the movement for better city government which characterizes the last quarter-cen-

ture. Our forefathers' love of freedom, intensified by their hatred of the tyranny which forced them to emigrate, found expression in the simple and democratic form of local self-government, the New England town meeting. But this form was inadequate and ceased to be democratic when applied to the populous and rapidly growing cities of the latter half of the nineteenth century. The production of gold in California and petroleum in Pennsylvania, the development of natural resources and agriculture, and the remarkable growth of manufactures in New England, caused cities to grow almost over night.

Wealth increased, and in the struggle for it the spiritual ideals of our Puritan ancestors, the Pilgrim Fathers, gave way to selfishness, greed and indifference. Men absorbed in money-getting had no time for civic duty. Public business was neglected and citizenship decayed. Meanwhile, because of extensive public improvements necessitated by rapid growth, large sums of money were required to carry on government, and great temptations to dishonesty and corruption were placed in the way of weak and vicious public officials. Practically all the governments of the larger cities fell into the hands of thieves and rascals at one time or another. Political control was the prime necessity of their calling, for it gave them a free hand in looting the public treasuries. Officials trafficked with dishonest contractors and sold franchises of great value. Courts and city councils were debauched, crime went unpun-

ished and vice flourished under corrupt police officials by paying the price of their shame. So strong did the evil forces become that their practices were brazenly flouted before respectable citizens with the question, "What are you going to do about it?"

Gradually a realization of this condition broke into the consciousness of men of good intention and awakened a new spirit of devotion to public duty. Groups were organized in many cities with the object of giving publicity to evil practices and awakening a new interest in public affairs. Candidates for office were scrutinized and their records published. Good citizens were induced to run for office and their election was accomplished. Thieves were discovered and punished. Forms and charters were studied, better administrative methods were inaugurated, and when Galveston, in the throes of a terrific disaster, evolved a new and more efficient form of city government, many cities were ready to follow her lead into the new field of civic improvement.

Much still remains to be done, but the statement of a generation ago that city government in America was the "conspicuous failure" of our democracy, is no longer true.<sup>1</sup> The smaller cities have taken the lead in reestablishing standards of honesty and efficiency in our public business, and their influence is now felt everywhere. New tasks are imposed upon government by the new social, recreational and humanitarian activities which we now ask it to undertake. We are in the

<sup>1</sup>James Bryce, *The American Commonwealth*, 1888.

midst of a revival of civic consciousness, which is resulting not only in improvement of physical conditions and business procedure, but is also paying attention to the ethical and spiritual requirements of a sane and healthful life.

## CHAPTER II

### FORMS OF GOVERNMENT

**The Borough.**—It was quite natural that the borough form of municipal organization, already long used and well developed in England, should have furnished the model organization for the young cities of the New World, and it is not surprising that we find a few examples of it still in existence in New England. The chief official of the borough, called the “warden” or the “mayor,” was appointed by the legislative body, called the “council” or the “house of burgesses.” This latter body was composed of the mayor, recorder, aldermen and councilmen, acting as a single body and possessing judicial, legislative and executive functions. The mayor and the aldermen were justices of the peace. The aldermen and councilmen were elected by popular vote. The mayor was first appointed by the governor, later elected from among the aldermen by the council, and finally elected by the people. His powers were limited to presiding over meetings of the council and he had no veto power and a very restricted appointing power. In Philadelphia he did not even have a vote.

The early American boroughs—and some of our cities were so organized in colonial times—usually elected their councils for one-year terms, and the mayor was

appointed for a like term. But in Philadelphia, Annapolis and Norfolk the government was made a close corporation and officials held their positions for life, the councils filling vacancies as they might occur. The modern American borough is distinguishable from the usual city organization only by its name and the title of its officials. The mayor or warden is elected and his powers and duties have grown to considerable importance and responsibility; his judicial functions have been gradually taken over by state and county judiciaries, his legislative duties decreased and his responsibility for the administration of the government heightened. The borough is part of a township, which is in turn part of a county, and all three organizations are subservient to the authority of the state legislature. The borough organization in American towns and cities is extinct in form and practically so in name, and is of interest to us only as a step in the progress of municipal government.

**The Town Meeting.**—The town meeting is a distinctly New England institution, an outgrowth of the congregational plan of religious organization. It is often spoken of as a model of pure democracy, and this is undoubtedly true of its application to small rural communities where all citizens take an interest in communal affairs and the public business has not become too complicated nor populations too great for such universal participation. Towns receive their authority from general acts of the state legislatures, but for any special undertaking they must have special authority



from the same source. An instance of the necessity for appealing to the legislature in small matters is found in the circumstance that in 1921 the town meeting of Webster, Mass., instructed the selectmen to petition the "General Court," as the legislature is called in that state, "for authority to maintain a town ambulance."

Regular town meetings are held annually but may be adjourned to a subsequent day or from time to time, and special meetings may be called in the interim. Before the meeting, in time for proper advertising, a "warrant" is prepared by the selectmen which specifies the business to be done. This warrant contains specific proposals for public activities and improvements in much detail, each proposal numbered and briefly described. The construction or extension of a sewer, the building of a bridge or a schoolhouse, the opening or improvement of a road, the location of an additional street light, the repair of a sidewalk or a fence, constitute "articles in the warrant," and these are approved, amended or denied by vote of citizens present at the meeting.

The meeting elects its presiding officer, called the "moderator," and in addition to acting upon the administrative proposals submitted, levies the town taxes, makes the appropriations, elects by ballot the chief officers to serve during the coming year and fixes their salaries. These officers usually consist of the executives, three in number, called "selectmen," the school committee, town clerk, assessor, overseers of the poor, road surveyors, treasurer, tax collector, tree warden

and constables. Candidates for these offices are often previously nominated by political parties in caucuses, and the election is held in the forenoon of the day of the town meeting, the notice of election constituting the first article of the warrant. Minor officials such as road superintendent, registrar of voters, fence viewers, pound keeper, sealer of weights and measures, public weigher, building inspector, burial agent, dog officer, town solicitor, town physician, animal inspector, special police, etc., are appointed by the selectmen.

When populations are small and interest in public matters is maintained, the town meeting makes a democratic and efficient form of local government. It affords opportunity for every citizen to participate more directly in the affairs of his town than does any other form, not only in casting his vote, but in the deliberations and arguments whereby the policy is crystallized and determined. His citizenship is manifestly more effective than any delegated authority could be. His function in town meeting gives him a direct voice in matters of public policy and an influential vote in the selection of the more important officials; and interest in the public affairs on the part of a citizen is often in direct relation to his idea of the effectiveness of his action.

When population increases, however, and the development of an urban community complicates the public business, when more frequent legislation and more immediate supervision of elective officials are required for good government, the town meeting plan becomes

less responsive and more cumbersome, and quickly loses its essential democracy.

Population may grow to such an extent that only a small proportion of the citizens can participate in the town meeting, on account of limited capacity in town halls. It is estimated that with woman suffrage fifty-five per cent of the inhabitants of a normal city are potential voters. In a town having a population of 15,000 there would be over 8,000 voters, and the town hall would not usually accommodate more than one-tenth of that number. Even if all who desired could take part, in such a large assembly there could be little accomplished. Really deliberative action would be practically impossible. Five people with a fondness for the sound of their own voices—and such are common in American assemblies—could render constructive consideration of public needs impossible.

But as urban population grows, unless the community is aroused by some unusual condition or circumstance, there is less and less interest shown by the citizens in their public affairs, and fewer and fewer who desire to take part in town meeting, or who are willing or able to devote a whole day (or sometimes more) to the public business. The Town Clerk of a New England city of 15,000 population makes the statement that while the town hall will seat eight hundred people, articles in the warrant are decided in town meeting by a total vote seldom exceeding two hundred in number. This can only mean that one hundred and one votes can determine the governmental policy and elect

officials for 8,000 citizens, and this is certainly not democracy.

Such a condition lends itself readily to scheming politicians who desire selfish ends. A packed town meeting would be easy under such circumstances, and it is a credit to the fine integrity of the average New England citizenship that instances of such political chicanery are unusual.

In an endeavor to overcome this difficulty and to adapt the town meeting plan, so much admired and so persistently adhered to, to larger populations, a few New England cities of considerable size have obtained, by legislative charter, a modified form or "representative town meeting" under which a considerable number of citizens, usually two hundred or more, are elected by the voters as delegates to town meeting, and there perform the functions which pertain to their constituents. This form possesses the objectionable features of a long ballot, a cumbersome and unresponsive legislative body with infrequent meetings, and executives hampered by lack of authority and effective supervision. That it produces a tolerable and economical government in some cities is remarkable.

In a few New England towns the city manager idea has been grafted into the town meeting form. The "town manager" is appointed by the annual town meeting or the selectmen and performs such duties as they may determine and the state laws allow.

**The Federal Type.**—After the adoption of the Federal Constitution, the legislative pattern therein set

became the accepted type of city government for most of the larger American cities and for many of the smaller ones, and some examples of this plan of city government continue to the present day. It is, however, retained in but few cities and is giving way to more modern structures. Legislation for a nation covering a large area and containing a great population with vastly diverse sectional interests; legislation which involves not only internal affairs but which covers also world-wide relationships, may well be surrounded with safeguards against hasty or ill-considered action, safeguards which local conditions do not require.

The federal form, in the city as in the nation, separates the three principal functions of government, executive, legislative and judicial, and then again subdivides legislative authority into three sections, a city council divided into two houses which must concur upon every measure, and a mayor with the veto power. Members of both houses of the city council are usually elected from wards or districts and are likely to be more interested in the local needs of their wards than in the welfare of the city as a whole. If, as is usually the case, the appointed administrative officials and higher employes must have their appointments confirmed by the board of aldermen, or the upper house of the city council, the executive is readily controlled or hampered and antagonism between the mayor and the council is easily developed. The mayor vetoes councilmanic actions, and the council vetoes the mayor's appointments.

City councils under the federal form are usually large, sometimes numbering two hundred or even more. The larger the number, the less important become the individuals and the greater the likelihood of the election of the unfit and the dishonest. This form, retaining the usages and methods of political parties in city affairs, lends itself readily to the domination of party machines, and is a fertile field for the operations of the local political boss, who exploits the government for his selfish ends. The citizen cannot fix responsibility upon individuals whom he cannot reach. The real government is a party organization or a local, self-appointed magnate, who by intensive organization extending to the ward and the precinct, controls elections and thereby runs the government, although not officially a member of it.

In the larger cities, where enormous budgets present the greatest temptations to thievery, and where the honest citizens are discouraged by the futility of their efforts to influence their government, and grow to neglect their civic duties, can be found the most flagrant demonstrations of the evils of an unresponsive form: the evasion of official responsibility, the indifference of "good citizens," and the growth of subterranean control of government. Contracts and franchises form the chief instruments of civic dishonesty and few of our large cities have been free from instances of public robbery through these means within the past twenty-five years. Not all have had the federal form of government at the time of their undoing, but all have suffered

from one or another of its characteristic faults and failures.

**Mayor-Council Type.**—Prior to the advent of the commission form, the most common type of city government in the United States was what we shall call the mayor-council type, consisting of a mayor elected by popular vote and a single-body council elected by wards, in which the chief administrative duties are performed by the mayor, the council acting through its various committees, and sometimes a board of public works which is either elected, or appointed by the mayor and confirmed by the council. This is the form of city government with which we are most familiar and of which we have the most examples at the present time.

The ballot is long, as many minor officials are elected by popular vote. These usually include, in addition to the mayor and members of the council, the city clerk, auditor, controller, treasurer, city attorney, city engineer, police judges and constables. Terms of office are usually short, the average length being about two years. One-year terms are common. Members of school boards, library boards, park boards, port commissions, etc., are often elected at the same time as other city officials, and national party organizations usually have a large hand in the city elections. Salaries of mayor and councilmen are usually small, as it is expected that these officials will devote only a portion of their time to the public business.

The chief defects of this form are the long ballot, the short term, ward representation, and divided re-

sponsibility in administrative functions. The ballot usually contains the names of many candidates with whom the ordinary voter cannot be familiar, and he must depend upon his party organization for information as to their merits, or vote without it. Popular interest centers in the higher officials, and little attention is likely to be given to the candidates lower in the scale. When we recognize that city government is a real business, a large-scale collective undertaking which requires special training and expert knowledge for its successful operation, we shall see the fallacy of trying to elect such administrative officials as clerk, treasurer, auditor or attorney, and giving them terms so short that they cannot fairly get accustomed to their tasks before their terms expire.

We have shown ourselves woefully weak in electing experts, or men who should be experts in these technical positions. We elect men because they are good "vote-getters," good "mixers," because they have a hearty hand-shake and an engaging smile, and not by reason of their undoubted qualification for a special job. The active politician who takes the time for an intensive personal canvass has a great advantage over the qualified man who has no personal magnetism and no incentive to seek office except a desire to serve.

The short term in city office is a relic of the idea that office-holding is a perquisite of citizenship and that frequent rotation gives all citizens an opportunity for a public job. Such a proposal, as being productive of real efficiency in the public business, is unthinkable.



Most elected city officials enter office with little or no knowledge of the duties they are supposed to undertake or the specific tasks they are expected to perform. An honest man elected to public office will study his job, but knowledge and experience do not come instantaneously and the short term hardly gives him time to understand his work, much less to become proficient in it. Good men are debarred from seeking office by short terms and precarious tenure. So long as we insist upon turning administrative officials out of office in a year or two, we must be content to make our selections from among the unsuccessful, the chronic politicians and the generally unfit. Constructive statesmanship must yield to the unproductive impulse to "get by" and to "hang on."

Ward representation invites sectional dissension and lends itself to jockeying for local advantage. A city is not so large geographically that a member of the council should not be able to consider its needs as a whole as paramount to the advantage of any section or ward. Yet if he depends for his position upon the votes he can get in his own ward, this is likely to be his chief interest. If he supports measures for the general good of other sections or the whole city, it is likely to be by means of some trade by which his own ward will be favored. If a city councilman is to be a representative of any section of the citizenship, it should be of a group of citizens having some common purpose to accomplish and not of a geographical subdivision of the city's area.

Probably greatest among the objections to the mayor-council type is that of the divided responsibility it creates in the carrying on of the city's business. Let us suppose that a sewer is to be laid in the second ward, a public improvement that has been long needed but authority for which has only now been obtained, over the protests of many owners of vacant lots and rental property, who do not want to pay the assessment. The city council has passed the ordinance and the mayor has not vetoed it. The city engineer has prepared the plans and the city attorney has drawn the ordinance. The city clerk is instructed to advertise for bids, which are opened by the city council or the board of public works, and the contract is awarded.

The contractor's operations are under the supervision of five distinct authorities, viz.: the mayor, who has general responsibility for the public undertakings; the board of public works, supposed to be competent in the details of construction; the city engineer, who delegates an inspector from his office to see that the plans and specifications are followed; the sewers committee of the city council; and the councilmen from the second ward, who will see that their political henchmen are given any jobs which they may want on the contractor's force. If the sewer, when completed, fails to operate, who is to blame? If the citizens have to pay twice what the work should cost, they can only complain until they are tired, to their officials, none of whom can be made to accept the responsibility.

Honest men, whether officials or contractors, cannot

do good work under such circumstances, and dishonest men find their thievery made easy for them by such a badly organized, inefficient and irresponsible government. Such a process of authorizing, making and supervising public improvements can be used for selfish or criminal ends at every step in its progress.

**Responsible Executive Type.**—In the earliest movement for reform in municipal government which came as a result of manifest defects in the mayor-council type, and of the civic decay into which many of our large cities had fallen by reason of those defects, the first effort was to accomplish the reform without fundamental changes in the existing form. Any proposal for an entirely new machine of government meets with the opposition not only of those who do not want good government, but of many good citizens who are naturally conservative in their attitude and who are fearful of any new and radical scheme which seems to be experimental and untried.

The responsible executive type follows closely the mayor-council form, but with the effort to fix responsibility upon the mayor, and to give him sufficient power to make him the real head of the city government. His term was lengthened, four years being usually the limit. The short ballot was put into use and the mayor was given the power to appoint and dismiss subordinate officials, with the usual exception of the clerk, attorney and auditor, the two former being regarded as assistants to the city council, and the latter as an impartial check upon the financial operations of the city. These

officials, under this form, are usually appointed by the council.

The council itself is usually elected at large, reduced in number, and its administrative functions curtailed by taking away the authority over the city's work formerly possessed by its committees. Minor city officials and employees are generally placed under some sort of merit system which governs appointments, promotions and dismissals. The mayor is usually well paid. The councilmen draw small salaries and are supposed to devote but a portion of their time to their public duties, which are confined to legislative and policy-forming functions. The mayor participates in legislation by means of his recommendations to the council and by his veto power, and is the sole administrative head of the government.

This form is a considerable improvement over the older types and has produced a change for the better in most of the cities in which it has been tried. Its success depends largely upon the character of the man who is elected mayor. Its chief advantage is in placing responsibility upon a single official and giving him a fair show to make good. It increasingly recognizes that city government is largely a business undertaking and that, if results are to be expected, officials must be more free from restrictions and have opportunity to apply some of the principles of successful business to public affairs.

Its chief defects are found in the turnover which follows the election of a new mayor, and in the political

features of the administrative organization resulting from the election of a mayor whose chief incentives are those of a partizan politician. Under it a political machine is readily built up which, in the hands of keen and unscrupulous men, may obtain a strangle-hold upon the city and open the way to all sorts of abuses and perversions of government. Honest intention is no safeguard from inefficiency of new and inexperienced heads of departments. No large private business could hope to succeed if its executives were changed every four years, nor if its chief employees were hired for any other reason than their character and capacity to perform their duties.

If a demagogue is elected mayor, as has often happened, particularly in our larger cities, the responsible executive form plays directly into his hands. He may hold his popularity by plausible speech or by his ability to dramatize popular issues, and at the same time corrupt and rob the city in every department of the public business. He may be the creature of some selfish political boss or the willing servitor of some conscienceless state party machine.

Honest and capable men are furnishing good government to many of our cities, large and small, under the various modifications of this form, and if such men, having demonstrated their intelligence and capacity as city executives, were reasonably sure of reelection, so that we might benefit from their experience in, and growing knowledge of, the public business, and might retain indefinitely the services of their efficient subor-

dinates, we might well be satisfied to make it the permanent type of our city organization.

**Commission Form.**—Beginning in Galveston in 1900 the commission-form of city government has spread over the country with great rapidity, until more than four hundred cities now employ it. Boards or commissions for certain administrative functions had been common in our state and city governments for many years and the larger private business organizations furnished examples of the efficiency of the form and its adaptability for all sorts of large undertakings. The idea is as old at least as the Roman Empire, but its adaptation to the government of American cities is new.

A board of commissioners, usually five in number, elected for four-year terms on a non-partizan ballot and often with overlapping tenure, performs both the legislative and administrative duties of conducting the city government. One member is either elected as mayor, or is appointed to that position by the board from among its members, and the members divide among themselves the various specific departments of the city's business. Sometimes the members are elected for specific jobs, and less frequently the member elected as mayor designates the position in the administrative organization which each of his fellow commissioners shall fill. Where election is not to a specific department, a re-organization follows the inauguration of one or more new commissioners. The short ballot, the direct primary or the preferential or the Hare system of voting,

abolition of party tickets, the merit system for minor employees, restriction of campaign expenses, the recall, the initiative, and the referendum are commonly a part of the commission scheme.

Organized as a city council, the commissioners perform legislative functions and ordinarily appoint those officers who serve the council rather than individual commissioners, such as clerk, attorney, auditor, purchasing agent, police court judges, civil service commissioners, etc. Schools, libraries, parks, playgrounds and harbor facilities are often administered by elective or appointive boards, frequently under general laws of the state and independent of the city government. In a typical commission organization the city's business is divided under the heads of public works, public safety, finance, public utilities, and public welfare, but the subdivision is more or less elastic and a bureau is often transferred from one commissioner to another.

The individual commissioners, in addition to their duties in the legislative and policy-determining body, have charge of the administrative work in their several departments and employ or dismiss the heads of their subdivisions. The mayor is ceremonial head of the city and president of the council, but has no veto power, nor has he any more authority or influence, outside his own department, than his associates. In cities of considerable size all the commissioners are required to devote their whole time in business hours to their public duties and are usually paid good salaries, up to five thousand dollars per year. In smaller cities the com-

missioners are frequently three in number and may give only part of their time to the city's business.

The introduction of the commission form brought about a great improvement in city government. City councils usually met daily at a stated hour and citizens had the new satisfaction of being able to get into immediate touch with their public servants. They knew who was personally responsible for specific acts and that if they could not get satisfaction from the individual commissioner they had an appeal to a council which held daily sessions. There was little delay in decisions, and there could be no avoidance of responsibility. That the abolition of national partizan politics in city affairs, the introduction of more effective methods of voting, and the restriction of campaign expenditures are all steps toward better government has been abundantly proved by over twenty years' experience with the commission form.

In these twenty years of commission experience certain weaknesses have developed in the form. We are no longer satisfied with a government that is only tolerable and are ready to admit and to study our failures in order to make progress. The commission form fixes responsibility, but fixing responsibility upon a weak man does not make him a strong man, and if it results in turning him out of office at the expiration of his term or in recalling him before his term expires, it does not insure a higher efficiency or intelligence in his successor. We have lamentably failed in trying to elect administrative experts. In fact, the conditions



of office-holding under the commission form make it almost impossible for an active business man, one of demonstrated ability and acknowledged success, to run for office. The sacrifice required in loss of income and abandonment of private business is too great, and as a consequence we must make our selection from among men who need the salary and who are willing to dodge, trim and side-step in order to be elected.

An argument used in favor of commission form at its inception was that it would be a decided advantage to have the active heads of departments sit as a city council to pass the ordinances; that men who do the city's work are best qualified to make the city's laws. This is no more accurate than to say that the men who make the laws are best fitted to do the work. It is probably true that five heads of departments make a better legislative body than the old style city council, but serious objections have developed to giving both legislative and executive functions to the same men, and it is now believed that five men are too few for a representative council except in the smaller towns, and too many for an executive authority. A five-headed government with authority and responsibility is better than the older forms lacking both these attributes, but it does not attain the best results in city administration.

**City Manager Form.**—The latest development in the structure of American city government is the city manager form, examples of which can now be found in over three-fourths of our states. Its structure is

simple and in nearly one-third of the cities where it is now in operation it has been brought into being by local ordinances, without charter changes. While it is a new scheme as adapted to city administration in America, its principles have been in general use in private business and in the management of the public schools, parks and libraries, and it approximates the system which has been successfully used in the government of many European cities. It has given satisfaction in nearly every city where it has had a fair trial, and has been endorsed by most of the leading students of municipal government. The National Municipal League has promulgated it exclusively in its Model City Charter.<sup>1</sup>

As is the case with other forms, it differs considerably in different cities, and in those places where it has been adopted without charter changes there are still some officials elected who, under the best adaptations of the system, should be appointed. It separates the legislative and executive departments more completely than any other form of city government, usually going so far as to forbid, under penalty, the interference of the members of the legislative body with the purely administrative work of the city.

Its essential features are an elected city council, usually small and with long terms, with duties strictly limited to legislative and policy-forming functions and the appointment of the city manager. This official may or may not be a local resident. He is employed on the

<sup>1</sup> National Municipal League, 261 Broadway, New York City.

basis of his training, experience and general fitness, is generally selected from a considerable number of applicants and is paid a larger salary than has been usual for city officials. He has no fixed term but can be dismissed whenever the council so determines, and another person employed.

The city council or commission usually appoints the clerk, the attorney, and the auditor or controller. It is the instrument through which the people express their will in public policies, the means whereby democracy functions. Its members are usually unpaid, or receive a nominal fee based upon attendance at the meetings. It determines how much money shall be spent, how it shall be raised and to what specific purpose it shall be applied. When these matters have been settled, it instructs its hired man, the city manager, to go ahead with the work. It decides, being in constant touch with the people, its constituents, whether or not the new bridge shall be built, where it shall stand, what materials shall be used in its construction, how much it shall cost and how the money shall be raised. These are purely matters of policy.

The building of the bridge is an expert job, and is left to the expert and the assistants selected and employed by him. The city manager may advise the members of the council, but if he is wise he will seldom advise except when so requested, and will leave to them their specific functions as completely as they must leave administrative work to him. He usually has a seat in the council chamber and is required to attend the meet-

ings. He is held strictly responsible and his authority in his own field, including the appointment and dismissal of his chief assistants, is generally commensurate with his responsibility.

Administrative departments, depending upon the size and the various activities of the city, are organized under the authority of the city council as to numbers, salaries, etc., but with the personnel and direction in charge of the manager, the heads of departments bearing the same relation to him as he bears to the council, the whole structure built upon those constructive principles of efficiency which long experience has approved in large private undertakings but which have been so lacking in our municipal organizations.

The outstanding differences between the city manager form and all other varieties of city government are first, the entire separation of the legislative from the executive branches, and, secondly, the substitution of experts for amateurs at the executive end. We may frankly admit our failure to elect competent executives, but we can and must elect our representatives to determine such public policies as cannot be, or are not usually, submitted directly to us as voters. The city manager form helps us in getting representative men as members in the city council, by making the duties of councilman so light that men of public spirit who are in active business or professional life need not sacrifice too much of their time in undertaking these duties.

The coming of the expert in city administration is made possible by the abolishment of the local-residence

requirement. There is now the incentive to study and train for this fine occupation in the good salaries paid, the possibility of promotion from one city to another as the result of efficient work, the practical insurance of a good job so long as a man can produce and deliver, and, more than all, the splendid opportunity for service in the army of the common good.

**The Influence of Form in City Government.—**

The common notion that all we need to do to produce good government is to elect good men to public office, is fast becoming obsolete, but is still held by many of our best citizens. We are beginning to realize that form has much to do with bringing the desired result, and we are now aware that good government is the result of three principal factors, viz., good men in office, a good form, and a continuing interest in public affairs by the citizens. Charters and ordinances are the tools of democracy, and we know that poor tools hamper good workmen in any line of endeavor.

The modern citizen asks more and more of his government with the passing years and in response to the new ideals of human relationship. The bare protection of life and property, once the sole object of government, will no longer satisfy him. Government in a democracy is our collective business and "the modern city has come to be a huge corporation for carrying on a huge business with many branches, most of which call for special aptitude and training."<sup>1</sup> The ideal city government

<sup>1</sup> John Fiske, *Civil Government in the United States*, 1890, Chap. V.

must be democratic, efficient, and economical, with its business affairs run on business principles, but it must be more than is contained in this cold category. It must be warm-hearted, human-minded, and responsive to ethical and spiritual demands as well as to material needs.

While form alone will not produce these results, it is an essential factor in them. Democracy demands that the governmental organization be representative of the citizenship and as responsive as may be to the will of the majority. Good government imposed from above does not meet the requirement; we must have the means of working out our own salvation by giving free expression to our needs, our hopes and our aspirations. We must be taught by experience and not driven by authority. Any form which is based upon the presumption that the people do not know what they want or how to get it, is undemocratic. We may properly restrain, by charters slow in amendment, the impulse to governmental change as a result of violent emotions and quick upheavals, but we must not hamper the ultimate rule of the majority.

Efficient government requires that policies democratically determined be put into operation with reasonable speed by our representatives in administrative positions. Many of our city charters seem to have been written with the idea that no one but a thief or a scoundrel would accept public office, and that thieves, present and presumptive, must be restrained and ham-

pered by law so that they may do as little damage as possible. It is pitiful to see an honest, courageous and capable public servant struggling up through such handicaps, keen and ready to do good work but curbed and circumscribed by vicious laws framed upon the destructive policy that it is better to limit the power of a bad official than to give opportunity for service to a good one.

Economy, in public affairs as well as private, is not parsimony nor niggardliness; it is not denying ourselves any good thing which we may be able to afford. It is thrift, "common sense applied to spending," getting the worth of our money, a dollar's worth for our dollar. It is curbing extravagance and waste, a stoppage of the leaks, buying judiciously, encouraging honesty and punishing theft. That form of government which, in the hands of honest and capable officials, accomplishes these results is the one which we must strive to discover and establish.

Of the fact that form is not self-sufficient we have abundant proof. In one of our largest cities, one which has the responsible executive form of government, the good government organization known as "The Municipal Voters League" reported in 1920, "We have today \* \* \* the absolute domination, by a small political ring, of virtually all the governmental activities of the community."<sup>1</sup> That *form* is largely instrumental in

<sup>1</sup> Chicago Municipal Voters' League, *Twenty-sixth Preliminary Report on Aldermanic Records*, 1920.

procuring clean, democratic and responsive administration, is proved by the experience of hundreds of American cities which are today free from graft and political bossism and which are working out their problems with energy, faith and optimism.



## CHAPTER III

### MUNICIPAL CHARTERS AND HOME RULE

The charter of an American city is its fundamental law, subject of course to the constitutions of the state and the nation and to such laws of the state and the nation as may apply within its territory. Formerly, when city charters were granted by kings and governors, they represented only such rights and privileges as the ruler was willing to grant or which had been forced from him by the people. In some American states this relation is maintained, the legislature granting the rights on the same basis on which they were formerly granted by the monarch. In many states, however, cities of considerable size are authorized to make their own charters, and the measure of their authority differs in nearly every state, depending upon the extent to which the policy of "home rule" has been recognized and adopted. It must be remembered that a state may adopt a constitution and enact laws with a freedom which cities do not have. The state may do anything not expressly forbidden in the national Constitution or in the national statutes based upon that constitution. The city can do nothing which it has not been specifically authorized to do by the state. It acts by virtue of a delegated authority, a

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grant of the use of the state's power in its local concerns, and this grant can be cancelled or withdrawn at the pleasure of the state government.

Charters are essentially laws, but laws more fixed and stable than those statutes and ordinances enacted by legislatures and city councils. Statutes and ordinances can be repealed or amended with little delay by the authority that adopted them, unless there is a question of contractual rights under them. Charters, like constitutions, cannot so easily be changed; they are established with the definite purpose of withstanding transient waves of popular emotion, giving to the people abundant freedom of government, but requiring time for sober second thought before change can be effected, and often requiring more than a majority vote for their adoption or amendment.

Charters, therefore, should consist of basic principles of city government and should not contain details of legislation, which may better be left to the ordinances enacted from time to time by the city council. This is the common error of charter commissions and legislatures, that they do not observe the distinction between the basic and the ephemeral and that they cumber city charters with a mass of legislation which might much better be left to the city council to enact or to change as the public business warrants. City charters are often too lengthy, cumbered with unnecessary detail and often fix in the fundamental law many proposals of passing importance, thereby making them difficult of

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change and requiring much unnecessary time for amendment or repeal.

An example of this error and of unnecessary repetition is found in the charter adopted by the city of Sacramento in 1920. Section 8 of that charter reads as follows:—

"The city is authorized . . . to join with one or more cities incorporated under the constitution and laws of the state, in order to acquire and develop jointly a source or sources of water supply, light, heat or power for municipal or domestic purposes, to construct the works necessary for their joint and several purposes and needs, and to unite with such cities in bond issues therefor. With reference to such matters or any of them, the city shall have full power to act independently. The supply of water for this city for municipal and domestic purposes shall always be owned and controlled as a municipal institution and be administered by the city government. No meters shall ever be attached to residence water service pipes; provided, however, that the city council in its discretion may regulate by meter the water supply of business and industrial enterprises. The water supply of the city shall not be sold or leased to any person, firm or corporation nor shall any franchise for such purpose ever be granted."

The latter half of this section, beginning with the words "No meters" might well have been omitted. Sacramento pumps its water from the river, using coal for power. It is a common result of metering water services to reduce the quantity pumped by one-third or even one-half without interfering in any way with the proper usage of water, thus greatly reducing the cost of pumping. As this is one of the principal items in the cost of water service, by its reduction and the abolishment of waste the price of water might easily be reduced to all consumers. Universal metering of city water supply is generally understood to be the proper

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and economical practice, and the city council should have been left free to introduce it in Sacramento as soon as its utility came to be appreciated. The last sentence in the section is a redundancy, being fully and strongly covered in the preceding provision.

The Des Moines commission charter is contained in thirty pages of an ordinary law book and is a very concise and complete document, which has been extensively copied. The Model Charter of the National Municipal League covers about forty such pages. The Grand Rapids commission-manager charter of 1917 requires one hundred and thirty-four pages to contain it, the Houston responsible-executive charter one hundred and thirty-five, and the Galveston commission charter one hundred and thirty-eight.

There are three methods by which American cities can obtain new charters: by a direct act of the legislature; by the selection of one of the forms of "ready-made" charters embodied in state statutes; and, in the so-called "home rule" states, by the act of a freeholders commission. Often the larger cities in the state are allowed the privilege of a home-made charter, while the smaller ones are required to accept a "ready-made" charter enacted by the legislature. At the present time the choice of a form of city government usually lies between the city manager, the commission, and the responsible executive types, but the mayor-council type is also optional in several states. Much of the detail in all charters depends upon the constitution and laws

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of the state in which the city is located, and also upon local conditions and progressive aspirations.

In most of the Eastern and Middle States, notable exceptions being Ohio and Michigan, city charters can be granted only by the legislatures, the movement for home rule for cities having gained its largest expression in the Western and Southern states. And not only do state legislatures retain close authority in the granting of charters; they often exercise that authority in petty matters at each recurring session. It sometimes happens that the political party in power in a city is not the same one that controls the state government, and this is a common cause for undue interference with the city by the state. For this cause (or with this excuse) the New Hampshire legislature of 1921 deprived the city of Manchester of much of its administrative power, taking away from the city authority over its streets, sewers and police force and placing them in the hands of commissioners appointed by the governor. City charters have been arbitrarily repealed by legislatures for like causes.

The New York legislature of 1908 passed three hundred and thirty-three bills which applied to the city of New York. The mayor of that city may veto an act of the state legislature affecting the city, but the act may be passed over his veto by a majority vote, if taken within ten days thereafter. Members of the legislature representing the remote districts in northern and western New York are exercising a powerful influence in the purely local affairs of New York City,

affairs with which they do not have personal contact and with which they have no concern. Conditions such as are here outlined have been and are common in the relationship of our state and city governments. They have been the cause of the movement for home rule for cities, which has spread over the Western and Southern states and is now gaining ground in the central section.

Some small measure of home rule is possessed by cities in several states which lack general home rule laws. The constitution of Illinois has a provision permitting special legislation for the city of Chicago, provided that a majority of the electors of the city favor it. Under this arrangement the citizens of Chicago may reject any law pertaining to the city passed by the legislature, which they regard as being against their interests. Constructive affirmative action is not contemplated. Horace E. Deming in "The Government of American Cities" says: "The absolute dominion of the state legislatures over our cities has made the local voter feel helpless and hopeless, and has stifled local patriotism. \* \* \* Except that our senses had been dulled by long use to the usurpation of state legislatures of the functions of local government, such a legislative abuse of power would have been impossible. \* \* \* It violates the most cherished principle of free government. The very idea of it is repulsive."<sup>1</sup>

Growth and progress are bringing a better conception

<sup>1</sup> Horace E. Deming, *The Government of American Cities*, 1909, p. 30.

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of city government and a decided demand for home rule for cities. Good citizenship everywhere deplors the evil conditions prevalent in so many of our cities and recognizes the propriety of a larger measure of local self-government as the first remedy. There is no logical reason why a city should submit its internal problems to a legislative body whose members come largely from rural surroundings, whose sessions are short and infrequent, and whose processes are not conducive to careful study, broad comprehension or deliberate action upon the vital problems of modern municipal life. Some functions of government, such as deal with health, education and the public peace, may be handled better by the broader authority of the state, but there is every reason for allowing cities the greatest freedom for self-expression in local matters, consistent with the basic structure of our government.

The first step necessary to bring about this reform in those states which do not now give the proper freedom to their cities in charter-making, is the adoption of a constitutional amendment similar to the provisions in Colorado and Oregon, which are practically identical with that proposed by the National Municipal League, as follows: "Such proposed charter and such alternative provisions as are approved by a majority of the electors voting thereon shall become the organic law of such city at such time as may be fixed therein, and shall supersede any existing charter and all laws affecting the organization and government of such city which are in conflict therewith." After constitu-

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tional power is obtained, the next step is to provide the machinery for obtaining new charters and submitting them to a vote of the people of the cities. This is generally done through a charter commission, usually fifteen in number, elected by the people of the city.

This charter commission organizes by the election of a chairman and a clerk and proceeds to study the charters of well-governed cities, holding hearings, writing letters of inquiry, listening to the advocates of special proposals and often dividing itself into committees for the consideration of special departments of government. The finished document embodying the results of their labors is always a compromise, representing a balance of opinion between the members of the commission, not only their opinion on the provisions of the proposed charter, but their judgment of what new features will cause the charter to be accepted or rejected by the voters. For the approval of any forward-looking charter by the people of the city it is necessary to have a voluntary and numerous group of citizens to give publicity to the subject and to make the arguments for public support. Indeed, most charter commissions are obtained through the preliminary activities of such an interested group of citizens, and the charter usually takes its form from their opinions and desires.

Charter changes which promise better civic conditions are usually opposed by three distinct groups of citizens: first, the vicious element, whose members do not want good government; second, the politicians, who fear that a change will deprive themselves and



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their heelers and satellites of their power and their emoluments; and, third, a considerable number of ordinarily good citizens who are frightened at innovations and can be easily scared into the belief that the new scheme is impracticable or that it will disturb business or increase taxation. The former two groups may be depended upon to fight the adoption of the new charter and to keep up a guerilla warfare upon it after adoption. They will take advantage of every eddy of popular disapproval of the new government or the acts of the new officials and launch a movement for the repeal of the charter whenever they think they can rally discontented good citizens to the standard of revolt. The third group will support the new government as soon as they realize that their fears of it were groundless, and that civic conditions have improved.

**The Model Charter.**—No human document is perfect. Change is normal in all our institutions, and the thing we completely endorse today we may be able to improve upon tomorrow. Lowell warns us to avoid taking ourselves too seriously, saying:

"And doubtless after us some purer scheme  
Will be shaped out by wiser men than we,  
Made wiser by the steady growth of truth."<sup>1</sup>

In our study of city charters and of the details of charter-making we shall take as a pattern the Model City Charter issued in 1916 by the National Municipal League. It was formulated by a committee of twelve of the most eminent students of municipal affairs

<sup>1</sup> James Russell Lowell, *A Glance Behind the Curtain*.

in this country, men of close contact with their subject and without any selfish purpose. It has formed the pattern for several charters now in operation and is based upon principles and practices of city government which have been thoroughly demonstrated. Lack of space forbids its complete reproduction in this volume. We must be content with a synopsis of its provisions and some comment upon them. It deals with the essentials of city administration and presupposes constitutional home rule. It does not cover the administration of schools, parks, libraries or harbors, as in most states these undertakings are carried on under general state laws. It is prefaced with a draft of constitutional provisions necessary for its introduction, and where these or like provisions are not contained in the constitution of the state, they must be made a part of that document before the form of city government proposed can be used to its best advantage in the cities of the state.

**Constitutional Provisions.**—Sections 1 and 2 provide for general laws authorizing the incorporation of cities and villages both by home-made charters and by the adoption of selective forms prepared in general statutes. In every case the charters must be finally approved by a majority of the electors in the city or village.

Section 3 authorizes cities to frame their own charters and furnishes the method by which charter commissions may be created and the resulting charter submitted to a vote of the people.

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Section 4 provides that amendments to the charter may be initiated by a charter commission, by a two-thirds vote of the city council, or by a ten per cent petition of electors, and when approved by a majority vote of the people the amendments become part of the charter.

Section 5 defines the powers of the municipality. This is most important, as the state is the source of all powers in its subdivisions. This section makes a general grant of power "to exercise all powers relating to municipal affairs," further providing that "no enumeration of powers in this constitution or any law shall be deemed to limit or restrict the general grant of authority hereby conferred," and then follows it with specific enumeration of powers in the matters of taxation, public utility ownership and operation, public improvements with the power of excess condemnation, the borrowing of money, school and library administration and police and sanitary regulation.

Sections 6, 7 and 8 provide for state supervision of accounting and reports, and for elections, and open the way for consolidation of city and county government.

Where the constitution or general laws make a full enumeration of specific powers of municipal corporations, there is no necessity for a long catalog of the city's powers in a charter. In fact, such a catalog is dangerous unless there be a general clause covering such proper and legal matters as may have been omitted from the detailed list. In home-rule states specific enumeration of powers is more necessary than in states

in which cities are under constant tutelage of the legislature, and the charter enumeration in those states is an expression of the desires of the people of the city to limit the authority of their own elected officials. In the state of Ohio, under the new constitutional amendments of 1912, some cities enumerate powers in much detail in their charters, while others do not. Sandusky's charter contains this provision: "It [the city] shall have, and may exercise, all powers which now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though said powers were specifically enumerated herein; and no enumeration of particular powers by this charter shall be held to be exclusive."

**Charter Provisions.**—Section 1 creates the city council and gives it the authority "to exercise all the powers conferred upon the city." In a footnote it is suggested that in states where no constitutional enumeration of powers exists, the statutes be made to cover those activities previously recommended as constitutional provisions.

Sections 2 to 5 inclusive cover the composition, powers, organization, duties and procedure of the city council. Notable provisions are the requirement that "the meetings of the council and all sessions of the committees of the council shall be public" and "neither the council nor any of its committees or members shall dictate the appointment of any person to office or employment by the city manager."

Section 6 deals with the duties of the mayor, who is

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elected by the council from among its members. He is official head of the city for ceremonial purposes, for conducting law suits ; he presides at sessions of the council and may, with the consent of the council, maintain order in emergencies. Otherwise his power is no greater than that of any other member of the council.

Sections 7 to 10 inclusive provide for nomination by petition, setting out a form of petition. Two alternative provisions for elections are presented, one by the Hare system of proportional representation and the other for preferential voting by the Bucklin system. The details and merits of these methods of conducting elections will be considered in a subsequent chapter.

Sections 11 to 33 inclusive deal with the recall of elective officials, the initiative and the referendum.

- Sections 34 and 35 provide for the election and removal of the city manager by the council, fix his salary and briefly define his powers and duties. He may be an inhabitant of another city or state. His term is indefinite and he may be removed from office at the will of the council. If he is removed after six months tenure, he may demand written charges and a public hearing, but the power of the council to dismiss is absolute. He is held responsible "for the proper administration of all affairs of the city" and is given power to appoint his subordinates.

Section 36 provides for an annual budget, to be prepared by the city manager and submitted to the city council.

Section 37 divides the administrative work of the

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city into six departments, namely, law, health, works and utilities, safety and welfare, education, and finance. These may be combined or abolished or new departments created by a three-fourths vote of the council. It provides that salaries of employees shall be fixed by the council and that they shall be uniform in like employments. This makes the organization very elastic so that it may be readily adapted to the size of the city, and increased or diminished as the need arises. Standardization of salaries is as desirable as it is now rare in city administration.

Sections 38 and 39 cover the qualifications, duties and responsibilities of heads of departments. They are appointed by the city manager and may be removed by him at any time. They are required to possess special qualification or experience in their several lines of activity and are made immediately responsible to the city manager.

Section 40 gives power to issue subpoenas, administer oaths and compel the production of books and papers in any investigation pertaining to city affairs.

Sections 41 to 48 inclusive establish the merit system in city employment. A civil service board of three members, with six-year overlapping terms, is appointed by the city council and empowered to make rules for employment standardization, for appointment after competitive tests, for promotion, transfer, suspension and removal of employees. Many such rules are made in detail in these sections. Soliciting or receiving any

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contribution for political purposes is forbidden, with abundant detail, and religion and politics are forbidden as causes for employment or dismissal. Seven pages of the charter are devoted to the civil service, bearing eloquent evidence to the common and pernicious practices in the employment of subordinates in many of our cities.

Sections 49 to 62 are devoted to financial provisions and cover in much detail accounts and records, the budget, appropriations, tax levy, assessments, including special assessments of property benefited for public improvements, bond issues and loans, claims and audits. A vital provision is that allowing public work to be done by the city departments when so authorized by the council, the authorization to be based upon detailed estimates submitted by the department head. The existence of such a provision often saves thousands of dollars even when not often used, by its influence upon the bids of contractors.

Sections 63 to 72 cover public utilities. The subject is so vital to city life, and the makers of the Model Charter have given it such comprehensive and intelligent consideration, that their statement of the principles upon which public policy in relation to utilities should be founded, though not contained in the charter itself, are well worthy of reproduction here.

The public utility and franchise policy embodied in a model city charter should be so formulated as to conserve and further the following purposes:

- I. To secure to the people of the city the best public utility service that is practicable.

## MUNICIPAL CHARTERS AND HOME RULE 63

II. To secure and preserve to the city as a municipal corporation the fullest possible control of the streets and of their special uses.

III. To remove as far as practicable the obstacles in the way of the extension of municipal ownership and operation of public utilities, and to render practicable the success of such ownership and operation when undertaken.

IV. To secure for the people of the city public utility rates as low as practicable, consistent with the realization of the three purposes above set forth.

It should be no part of such policy to secure compensation for franchises or special revenues for general city purposes by an indirect tax upon the consumers of public utility services.

In formulating a policy to carry out the four purposes above stated, the following principles should be recognized:

1. Each utility serving an urban community should be treated as far as practicable as a monopoly with the obligations of a monopoly; and its operation within the city should be based as far as practicable upon a single comprehensive ordinance or franchise grant uniform in its application to all parts of the city and to all extensions of plant and service.

2. Every franchise should be revocable by the city upon just compensation being paid to its owners, when the city is prepared to undertake public ownership.

3. The control of the location and character of public utility fixtures, the character and amount of service rendered and the rates charged therefor should be reserved to the city, subject to reasonable review by the courts or a state utilities commission where one exists.

4. The granting and enforcement of franchises and the regulation of utilities operating thereunder should be subject to adequate public scrutiny and discussion and should receive full consideration by an expert bureau of the city government established and maintained for that purpose or in case the maintenance of such a bureau is impracticable, by an office or committee designated for that purpose.

5. Private investments in public utilities should be treated as investments in aid of public credit and subject to public control, and should be safeguarded in every possible way and the rate of return allowed thereon should be reduced to the minimum return necessary in the case of safe investments with a fixed and substantially assured fair earning power."

Sections 73 to 76 provide for a city planning board of three members and define its powers and duties.



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Sections 77 to 79 provide for publicity of accounts and records, forbid action for the city by officials and employees in any matter in which they have a financial interest, and fix the time at which the charter takes effect.

## CHAPTER IV

### ELECTIONS AND APPOINTMENTS

The election of our public servants is one of the most important privileges and duties of citizenship in a democracy. We have seen that it is secondary only to the duty of providing good tools with which they may work, good charters which will instruct them as to our desires and expectations and under which they have a fair chance to render real service. We have had experience in American cities with terms of office varying from one year to a life-tenure, and are now pretty generally agreed that four years is a reasonable and proper length of term, not only in cities where only members of the council are elected, but those in which executive officials are elected as well. Too short a term does not give the incumbent time to become familiar with his work, and too long a term is productive of conditions and practices tending to autocracy. The long term is useful in giving us the advantage of increasing knowledge and experience in a satisfactory official and has lost its menace of autocracy and incapacity through the introduction of the recall.

In councils, commissions and administrative boards terms of office are usually arranged so that they over-

lap. This is in order that business shall not be impeded by the lack of members of experience after the election of new members. In commission cities where there are five commissioners with four-year terms, after the first election it is usual to have a city election every two years, electing two and three candidates at alternating elections. Cities under the mayor-council form and the responsible-executive form usually have large councils elected from wards. The Cleveland charter adopted in 1913, amended in 1921 to the city manager form, was a typical responsible executive charter in which the mayor was elected at large and the councilmen from wards, both with two-year terms. A citizen voted for only two officers, the mayor and the councilman from the ward in which he resided. The overlapping term is not so necessary in large as in small councils, for in the former case a considerable number of old members are usually reelected. City elections are best held in the spring or on the alternate years between congressional elections so that the voters may concentrate upon their local affairs without the confusion of national issues.

**Nominations.**—In cities where the national political party organizations are still active the ballot is usually long and nominations are made in party conventions or by the direct primary. Where party designations are forbidden on the ballots—and this is now done under most modern charters—nominations are usually made by petition. Primary elections are dispensed with where the preferential system or proportional representation are used in elections, and as elections are

expensive, these newer systems have an advantage in economy. In Dayton, the first city of size to adopt the city manager form, nominations are made by petition, a primary election is held, and later the regular municipal election. In order to have his name placed upon the ballot in the primary election, the candidates' petition must, in Dayton, contain the names of "at least two per cent of the total number of registered voters in the municipality." The signer certifies that he has "not signed similar petitions greater in number than the number of commissioners to be chosen at the next general municipal election." Petitions must be filed thirty days before the date set for the primary election, so that the names may be checked against the registration list. The candidate whose petition is found sufficient must file his acceptance of the nomination, when his name is placed upon the primary election ticket. The Springfield, Ohio, charter requires the signer of a nominating petition to pledge himself to support and vote for the candidate whose petition he signs.

The nomination by petition is a considerable improvement over the caucus and convention system and has worked well in most cities where it has been tried. If conventions were always composed of wise and unselfish men who had only the city's good in mind, no better means of nomination could be asked. But a nominating convention controlled by a political boss or a vicious and selfish party machine—and many of them are so controlled—is one of the prime causes of bad government. The convention could draft honest and

competent men into the public service, men who are not seeking office, but who could be induced to give some of their time for the good of their city and would consent to run for office if they were reasonably sure of election. The disadvantage of the petition system is that the most desirable citizens for public officials will not take the time to circulate petitions and that duty devolves upon those who are interested in good government and who believe that the office should seek the man rather than the man the office. Persistent office-seekers are not the most desirable material for public servants.

**The Primary Election.**—The names of all candidates for the offices to be filled, whose nominating petitions have been found sufficient, are placed upon the primary election ballot. The Dayton charter among others provides for the rotation of the names so that no one shall have the advantage of being at the top of all of the tickets as is the case when names are alphabetically arranged. The voter marks crosses opposite as many of the names on the ballot as there are offices to be filled. Usually the two candidates for a single office receiving the greatest number of votes in the primary are entitled to have their names appear on the ballot as candidates at the regular election, which follows a few days later. In Dayton, where the five commissioners are the only city officials elected, the charter provision is as follows: "The candidates for nomination to the office of commissioner who shall have received the greatest vote in such primary election shall be placed on the ballot at the next regular municipal

election, in number not to exceed double the number of vacancies in the commission to be filled." General city elections are usually held under the general election laws of the state, which cover qualifications and registration of voters, the size and location of precincts, the selection of polling places, the employment and compensation of clerks and judges of election, the secret ballot and the safeguards against illegal voting.

**Preferential System of Voting.**—The preferential system for city elections was first introduced in the United States by the little city of Grand Junction, Colorado, in 1908, followed by Spokane in 1910 and Cleveland in 1913. Instead of limiting the expression of the voter's choice to one candidate for an office as in the older schemes of voting, it allows him to indicate a second choice and one or more third choices among the candidates. The voting for second and third choices is not obligatory. It lessens the expense of elections by doing away with the necessity for primary elections, and makes the voter's action more effective, not so much in favor of any one candidate as in preventing the election of candidates whom he is unwilling to support as his second and third choices. The ballots are arranged with three columns of blank spaces following the candidates' names, with the printed headings "first choice," "second choice" and "other choices." In Spokane the candidates' names are printed in alphabetical order, while in Cleveland they are rotated. Instructions to voters are printed at the head of the ballot. The usual instructions are as follows:

"To vote for any candidate, make a cross (X) in the square in the appropriate column according to your choice, at the right of the name voted for. Vote your first choice in the first column. Vote your second choice in the second column. Vote in the third column for all other candidates whom you wish to support. Do not vote for more than one first choice and one second choice for any one office. Do not vote more than one choice for the same candidate, as only one choice will count for any one candidate. If you wrongly mark, tear or deface this ballot, return it and obtain another."

It is surprising how few defective ballots have to be thrown out for failure to observe and follow the instructions. Some preliminary publicity and discussion of the system is usually carried on and is most desirable. In Spokane a mock election was held at a well-attended luncheon meeting of citizens. No explanation of the method was made except the printed instructions on the tickets which were placed one at each plate. The tickets were marked with almost no errors. Instructions for counting the ballots are simple and readily understood; no election board will muddle them, and the result is quickly determined. Following is the method for determining the election:

"The candidate for any office receiving a majority of first-choice votes cast for candidates for that office shall be declared elected. If no candidate shall receive a majority of the first-choice votes for such office, then the second-choice votes received by each candidate for such office shall be added to the first-choice for each such candidate and the candidate receiving the largest number of first-choice and second-choice votes combined, if such votes constitute a majority, shall be declared elected. If no candidate shall have a majority, after adding the first-choice and second-choice votes, the other-choice votes received by each candidate shall be added to the combined first-choice and second-choice votes received by each such candidate, and the candidate having the largest number of first-choice, second-choice and other-choice votes combined shall be elected to such office."

Ties are decided by giving the election to the candi-

date having the largest first-choice vote, or, if these happen to be the same, by lot.

In the first election for commissioners in Spokane when five were elected, there were ninety-two candidates. It was a heterogeneous list, including nearly every one connected with the old régime, plenty of others of like type and capacity, many incompetents attracted by the \$5,000 salary, and a fair sprinkling of high-class men, awakened to a new sense of public duty. There was no confusion by reason of the large number of candidates, the election passed off without any difficulty and resulted in the election of five representative and honest men, only one of whom had had previous experience as a city official.

It was Spokane's first experience with the short ballot, for, contrary to a common impression, the short ballot is such by reason of few offices to be filled rather than by a small number of candidates for those offices. As compared with the three or four hundred names occasionally appearing on a "long ballot," ninety-two names do not make a very long one. According to Professor W. B. Munro:

"The record for unwieldiness appears to be held by a ballot used in the Thirty-second Assembly District of New York State a few years ago. It contained the names of 835 candidates."<sup>1</sup>

**Proportional Representation.**—A principal cause of the indifference of citizens to their duty in voting is found in their impression that their votes will have

<sup>1</sup> W. B. Munro, *The Government of American Cities*, 1917, footnote on p. 145.



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no effect, that their candidate will either be defeated or elected by such a majority that their votes will not influence the result, hence they stay away from the polls. It is ordinarily difficult in municipal elections to bring out more than half of the potential voters of the city. Proportional representation tends to overcome both these evils, making effective a much larger proportion of the votes cast and securing the final control of the majority, not in the electorate as a whole but in the city council. This result is not achieved by submerging minorities, as in the case of the ordinary methods of election, but by providing the means whereby any minority group whose numbers entitle it to one or more seats in the council, shall have that representation.

Under our usual system of electing members of representative bodies, city councils, state legislatures, school boards, etc., that is, electing one from each district, it often happens that a majority among all the voters fails to elect a majority of the body being chosen. Such a result is possible when only two parties are competing and it is still more likely when the parties number three or more. The cause, of course, is the absolute waste in each district of all the votes except those for the one successful candidate. Here is an example:

Number of candidates to be elected, five.

Result in five districts:

- (1) Party A 505, Party B 490
- (2) Party A 510, Party B 495
- (3) Party A 515, Party B 498
- (4) Party A 100, Party B 900
- (5) Party A 50, Party B 960

In this case party A, with a total vote of only 1,680, elected three of the five members, and party B, which polled 3,343 votes, elected only two of them. Under our usual system also, substantial minority elements, numerous enough to deserve one or more spokesmen in the deliberative body, often fail to elect the members to which they are entitled. How this happens becomes clear in a moment if we consider what would happen to a minority element polling, say, 250 ballots in each of the five districts of the community just considered: such an element, though polling 1,250 votes, which is more than twice as many as were required by party A to win the seat in district 1, would not elect a single member. Our usual system of electing representatives, then, assures neither the rule of the majority nor a fair hearing to all substantial minorities.

A less common system of electing representatives, namely, electing them on a "general ticket," the voter voting for as many members as there are to be elected, is used for the election of some of our deliberative bodies, notably school boards and the city commission in cities governed under the commission form. But this system also fails to assure control to the majority of the voters in case there are more than two parties in competition. And as for the representation of minorities, this system usually suppresses it altogether. It is primarily to remedy these defects of the single-member district and general ticket systems of electing representatives that the so-called proportional system of election

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is now used in many of the leading countries of Europe and is being imported into this country and Canada.

The proportional system differs from the single-member district system in that the members of the representative body are elected at large (without districts) or from districts large enough to have several members each. But the members are elected together—for convenience let us say at large—from a whole city—are not elected in a block, as under the old general ticket system, but each is elected by a sufficient number of voters who are united in the desire to elect him. In other words, the proportional system is like the single-member district system except that whereas under that system each member's constituency is so many voters who *live* together inside a district line, under the proportional system it is about the same number of voters who *think* together, that is, who want the same spokesman, but who may be scattered anywhere throughout the city. Under the proportional system, to sum it all up, voters of different views have an equal share in the election of the deliberative body which is to make decisions on behalf of all.

There is still another serious defect in our usual methods, both the single-member district system and the general ticket system, of electing representatives. This is the failure of either of those methods, as usually applied, to give the voter an opportunity of expressing alternative or contingent choices, that is, of saying whom he wants to be his representative in case it is found, when the votes come to be counted,

that his vote cannot help to elect the candidate he prefers. And this failure, though it may at first seem unimportant, is found on careful study of the actual results of different voting methods to be a very grave defect.

If you were sending a messenger some distance for fruit, and preferred apples, but did not know whether the fruit dealer would have any apples in stock or not, you would not want to be denied the privilege of telling your messenger that if there were no apples he should get oranges and that if there were neither apples nor oranges he should get peaches, and if there were none of those fruits he should get prunes. Yet the old methods of voting deny the voter the privilege of expressing such contingent choices on his ballot. And the result is that the voters do not often dare to nominate or to vote for a rival to candidate Prunes for fear that doing so will help to elect a candidate whom they like still less, say Mr. Dried Apples. With the alternative or transferable vote, as it is called, voters dare to nominate and to vote freely according to their real will, whereas with the old non-transferable vote they often do not. Thus the transferable vote eliminates great errors, not visible in the election returns at all, which are perhaps nearly if not quite as important as those visible errors of the old systems which we have previously considered.

The systems of proportional representation used in non-English-speaking countries eliminate effectively the visible errors we have considered, but the invisible

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errors just explained, more or less ineffectively. The system adopted in English-speaking countries, however, combining as it does the transferable vote with the proportional principle, eliminates the invisible as well as the visible errors of the old systems and assures the election of bodies which represent the voters truly. This proportional system of the English-speaking world, the "single transferable vote" or "Hare system," is used in four American cities, Ashtabula, Ohio, Boulder, Colorado, Sacramento, California, and Cleveland, Ohio. It is used also in about a dozen cities of Western Canada, in all Irish elections (since 1920) and in many other British dominions. Its use is spreading with great rapidity.

Under the Hare system the voter indicates his preference for the representative body by the figure 1 opposite the name of his candidate on the ballot, and he is permitted to record also his second choice (by the figure 2), his third choice (by the figure 3), and so on. He may express as many or as few choices as he pleases. At the voting booths only the first choices are counted. All the ballots are then brought together to the central counting authorities for the entire district, which is electing several representatives, preferably five or more. There any candidate found to have enough votes to deserve election—the quota, as it is called—is declared elected. If any candidate has more than enough, his excess ballots (selected so as to be fair to all concerned) are passed on, each to the candidate marked on it as next choice among the unelected

candidates. Then the candidate having fewest votes is declared defeated, and his ballots are treated in the same way.

As soon as a candidate receives the quota, he is elected and no more ballots are given to him. The process of elimination is continued thus until the required number of candidates have the quota or until only the required number remain undefeated. When the number to be elected is five, the quota is barely more than a sixth of the ballots. When the number to be elected is nine, the quota is barely more than a tenth. In every case it is the smallest number that could be secured by the required number of members.

The voting is simple and the instructions to voters easily understood. In Sacramento names of candidates who have been nominated by petitions of not less than 200 nor more than 400 qualified electors are placed on the ballot in alphabetical order of surnames. The voter is instructed to "Put the figure 1 opposite the name of your first choice. If you want to express also second, third and other choices, do so by putting the figure 2 opposite the name of your second choice, the figure 3 opposite the name of your third choice, and so on. In this way you may express as many choices as you please. The more choices you express, the surer you are to make your ballot count for one of the candidates you favor. This ballot will not be counted for your second choice unless it is found that it cannot help your first; it will not be counted for your third choice unless it is found that it cannot help either your

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first or your second; etc. A ballot is spoiled if the figure 1 is put opposite more than one name. If you spoil this ballot, tear it across once, return it to the election officer in charge of the ballots, and get another from him."

The system is easy for the precinct election officials. As for the count at the central headquarters, that undoubtedly requires a thorough knowledge of the system and some time, but it presents no real difficulties. When one reads for the first time the instructions for counting the ballots by the central board, the tendency is to think that the system is altogether too complicated to be understood by election boards and too cumbersome for common use. But when it is considered that two very important steps in progress are accomplished by proportional representation, namely, effective voting and fair representation in deliberative bodies, the promised result seems worth the effort. Minority submergence in government may look endurable when we belong to the majority group, but if we should sometime belong to the minority, the situation would not seem so desirable.

A really representative legislative body is a very rare thing in America, but it is guaranteed by the use of proportional representation. When we further consider that the system has been successfully and satisfactorily used for many years in countries where the average of literacy and intelligence is surely not greater than in the United States; when we read the endorsement of its utility and soundness by leading statesmen

and students of government the world around, and when we know that several American cities have found it easy in operation and desirable in results, we need not hesitate to engraft it into our progressive city charters.

**Getting Out the Vote.**—No machinery of government will automatically produce good citizenship. Unless the citizen himself will perform his part, democratic institutions will fail and there will be a reversion to autocracy of one sort or another. The common hindrances to good citizenship are laziness and selfishness, and these common vices are at the bottom of most of our human failures. Professor Godkin in his book "Unforeseen Tendencies of Democracy" brings out the thought that our forefathers, who established the first really democratic government which the world has seen, could not conceive that people who had obtained the wonderful privileges of self-government would fail to accept those privileges by neglecting or refusing to perform the accompanying duties. But such is the case and it is common experience to find most elections decided by a vote of one-third or one-half the potential voters of the community.

We can help by providing simple and effective machinery, by avoiding too frequent elections, by the short ballot and by making the citizen's vote more effective; but substantial reform is only possible by instilling in the individual a feeling of personal obligation to take part in the public business. Coercive measures have been suggested, but their efficiency is always doubt-



ful. A bill was introduced in the Massachusetts legislature fining a citizen five dollars for failing to vote without a reasonable excuse. It has been suggested that failure to vote should disqualify electors for a short time thereafter, but we now have a large proportion of citizens disqualified by failure to register, and this measure would only decrease their participation in their public business.

All sorts of incentives are now furnished by selfish interests to bring to the polls those adherents who will contribute to some unpatriotic end, to establish a nefarious control or to elect unprofitable servants. In a city on the Atlantic seaboard it was recently found that just before an election the names of three hundred and fifty-seven employees were on the playgrounds pay-roll, where six were normally entered. Bribery in elections and other election frauds which were common a generation ago are now severely punishable under the laws of most states, and some of the newer city charters have attempted election reform by forbidding corrupt practices under heavy penalty and by curtailing the expenditures and activities of candidates. The Spokane charter limits the expenditure for election of any candidate to two hundred and fifty dollars and forbids certain common and ordinarily legal baits for votes. The Springfield, Ohio, charter contains the following drastic provision:

"No candidate for the office of city commissioner shall make any personal canvass among the voters to secure his nomination or election, or the nomination or election of any other candidate at the same election, whether for municipal, county, state or other

office. He may cause notice of his candidacy to be published in the newspapers, and may procure the circulation of a petition for his nomination; but he shall not personally circulate such petition, nor by writing or otherwise solicit any one to support him or vote for him. He shall not expend or promise any money, office, employment or other thing of value to secure nomination or election; but he may answer such inquiries as may be put to him and may declare his position publicly on matters of public interest, either by addressing public meetings or by making written statements for newspaper publication or general circulation. A violation of these provisions, or any of them, shall disqualify him from holding the office, if elected; and the person receiving the next highest number of votes, who has observed the foregoing conditions, shall be entitled to the office."

It is not easy to see just how a personal canvass can be prevented, nor how newspaper publicity or the circulating of petitions or circularizing the voters can be accomplished without the expenditure of money or the promise of future reward. These provisions in the Springfield charter are, however, the product of very real abuses and a commendable effort to purify the ballot and bring about that much-desired condition in politics where the office shall seek the man. By the introduction of those new tools of democracy, the initiative and referendum, we are increasing our demand upon the thought and action of the electorate, continually calling upon the voter for new duties and discriminations. If these tools are to work properly, the voter must learn not to sign a petition to oblige a neighbor nor to be rid of a persistent solicitor, but only when, after thought, he desires the thing which the petition calls for. First and most important of all, he must be willing to register, go to the polls and cast his vote.

**The Recall of Elected Officials.**—Among the new

tools of democracy one of the most useful is the recall. Its very presence in the laws produces a wholesome effect. It is now authorized in many cities and in several states and has been used enough to demonstrate its salutary effect upon the actions of public officials. If the reward of the faithful were certain in public life, we should have little use for the recall, but so long as the retention of the capable in office is so uncertain and the temptations to dishonesty and unscrupulousness so strong, the recall seems to be necessary. The Dayton charter subjects the city manager to the recall, but the provision seems out of place when applied to an official who is appointed and whose dismissal by the city council may be so easily accomplished. We may fairly depend upon our elected officials in city councils, themselves subject to the recall, to attend properly and promptly to the case of an appointee who has turned out to be an unprofitable servant and whose tenure of office is completely in their hands.

Where the state has adopted the recall for elective state officials, city charters may simply provide for the recall under general laws. The Kalamazoo charter has this brief provision: "Any elective officer may be removed by the qualified electors of the city, at the time and in the manner provided by the general laws of the state." The Sacramento charter provision is about as brief and to the same effect. The objection to relying upon general laws is the tendency of legislatures under the domination of a state machine, or of a railroad, utility or other selfish interest, to enact

recall statutes which are intentionally unworkable. This end is sometimes accomplished by providing for a high percentage of voters upon the recall petition or by requiring citizens to go to the city hall to sign, thus preventing the general circulation of petitions.

The recall is put into action by a petition containing the names of a certain number or a certain percentage of qualified electors, usually fifteen to twenty per cent of the votes cast at a previous election, which is filed with the city council. The Cleveland charter fixes the number of names necessary for starting a recall at "at least fifteen percentum of those who voted therein at the last preceding regular municipal election." When the sufficiency of the petition has been determined by a check of the names against the registration books, the official sought to be recalled is given opportunity to resign. If he does not do so, the council orders a special election unless there is to be another election within sixty or ninety days, and provides for the nomination of candidates to succeed the official in case he is recalled. The election is conducted as are general elections for the office to be filled, the official sought to be recalled becoming a candidate along with the others who have been nominated. There is often a prohibition of too frequent use of the recall, the Cleveland charter providing that "No recall petition shall be filed against an officer within three months after he takes office, nor, in case of a member subjected to a recall election and not removed thereby, until at least six months after that election."

**Appointed Officials and Employees.**—The tendency of the time is toward fewer elected officials and more who are appointed, but that tendency has not reached the bulk of American municipalities, where the long ballot is still considered desirable. Montpelier, under a charter adopted in 1894, elects not only the mayor, treasurer, clerk, aldermen, auditor and sheriff, but also constables, city grand jurors, petit jurors and county grand jurors. Police chief and policemen are appointed by the mayor for the same term as his own and he may dismiss them at his pleasure. Under such a loose system the police department may easily become the mayor's political machine and the citizen who opposes the mayor may have some difficulty in keeping out of jail. Under modern charters which fix responsibility for administration upon a mayor, a board of commissioners or a city manager, it has been generally recognized that it is futile to place responsibility without authority, not only in carrying on the city's work but in building up the organization of subordinate officials and employees who perform and oversee the various civic activities and undertakings. Confirmation of the mayor's or manager's appointments by the council is not often required in the newer charters, and where it is provided for, it is usually limited to a few heads of departments.

**The Merit System.**—If we believe that our mayor, commissioners or city manager is honest and capable,—and we surely would not vote for or support a candidate of whom we thought otherwise,—we must

follow them into office with the constructive presumption that they will seek only worthy and competent assistants, in order that they may make good. The merit system is not primarily a device, as many suppose, designed for the purpose of curbing an official and preventing him from appointing incompetents to office for unworthy purposes. Its chief purpose is to aid him in procuring capable assistants and to take from his shoulders the very great nuisance and time-destroyer of having to listen to the importunities of large numbers of job-seekers. Civil service reform was introduced into our national government in 1869, not only in the revulsion of feeling against the spoils system but to take some of the burdens from the newly-inaugurated presidents.

With the enormous growth of the business of the country following the Civil War, the number of public servants multiplied with great rapidity and the problems incident to their employment and removal became more and more difficult. At the inauguration of each new president office-seekers flocked to Washington and literally besieged the new incumbent. In one instance the hungry horde descended upon the White House at the President's first reception, jammed the rooms, wrecked the furniture, tore the clothing of members of the presidential party and raised havoc in general. George William Curtis was chairman of the first civil service commission and it is notable that in its early activities the commission devoted itself to providing for appointments only, advising that removals be left

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to the president. The law of 1883 provided for competitive examinations, excluded drunkards, forbade the appointment of more than two persons from any one family, gave preference in employment to honorably discharged soldiers and sailors, and forbade the collection of political assessments. Not until 1889 was the rule made that an employee under civil service should not be removed without filing written charges and giving the dismissed employee an opportunity of answering them.

The chief objection to the merit system as applied in our national government is that so many public employees are held exempt from the law. In 1913, before the activities of the World War brought so many thousands of new employees into the government service, of all the appointive places in the service, amounting to 391,000 offices, only 228,000 were under civil service, leaving 163,000 to be disposed of by the party in power. A president has the power to curtail or extend the application of the civil service law and it is a common practice to curtail it at the beginning of a presidential term and extend it when the incumbent is about to retire. President Cleveland removed ninety per cent of the presidential officers during the first sixteen months of his first term and made a clean sweep of the fourth-class postmasters. His successor, President Harrison, postponed extension of the civil service until he had dismissed the most of the Democrats and replaced them with Republicans.

The application of the merit system to the employees

of our states and cities has been of very slow growth, and has been fought by the politicians at every turn of the road. It has appealed strongly to the advocates of better government and is gaining ground, having become a part of most of the newer charters under which our cities are now working. We recognize the need of good men in public employment and realize that in order to get them we must make the conditions of service not only tolerable but attractive to proper men and women. Salary alone will not tempt the class we want; there must be opportunity for real service and a chance for an honorable career in the work. In cities which have installed the merit system, applicants for employment are required to pass an examination adapted to the duties of the position. The names of those who pass the examination are placed on an eligible list and are taken from the list in regular order when a place is open. Usually three names are certified to the appointing official, who appoints one, and the appointment becomes permanent after six months' probation has demonstrated the appointee's fitness.

The most common error in preparing civil service rules is in the attempt to regulate dismissals from the classified service. When the civil service commission is given the right of review of a dismissal made by the appointing official, and holds a trial to determine its action, it amounts to a trial of the appointing official and his department, and sets the civil service commission above the elected officers. The reinstatement of a dismissed employee is a detriment to discipline and a



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death blow to loyalty in the service. Better an injustice to an individual employee than a loss of harmony in the department, particularly where the building of a personal political machine is prevented by close control of appointments. The provision of the Cleveland rule may well be accepted as a model:

"No officer or employee within the classified service shall be removed, reduced in rank or discharged except for some cause relating to his moral character or his suitability to perform the duties of his position, though he may be suspended from duty for a period not to exceed thirty days, pending the investigation of charges against him. Such shall be determined by the removing authority and reported in writing, with a specific statement of reasons, to the commission; but shall not be made public without the consent of the person discharged. Before such removal, reduction or discharge, the removing authority shall give such person a reasonable opportunity to know the charges against him and to be heard in his own behalf."

The Cleveland charter forbids the dismissal from city employment for unworthy reasons and gives to the discharged employee the opportunity to meet any charges made against him; but the final decision whether or not he shall retain his employment is where it should be, in the hands of the appointing official. The Municipal Association of Cleveland, a voluntary organization of public-spirited citizens, issued in 1912 an eighteen-page pamphlet devoted to the municipal civil service, in which, among a mass of useful and helpful material, is this comment:

"One of the chief objects of the merit system is to secure a higher efficiency in the public service, and one of the criticisms which has been levelled against it, and which is to some extent based on facts, is the criticism that experience shows that efficiency has not been increased by the adoption of this method of appointment to office. When this has been true, it has been

due in a considerable measure to two facts: (a) The law has made the removal of inefficient employees too difficult, (b) Sufficient provision has not been made for recording and rewarding efficiency. The early civil service laws were framed on the theory that it was necessary equally to protect entrance to and exit from the service; so most of the laws made it difficult not only to get in, but unnecessarily difficult to get rid of unsatisfactory employees. This inevitably led to poor service, because the inefficient were practically as safe as the most efficient. The more recent laws have been framed with a view to avoiding this difficulty by making entrance difficult, but exit easy. The power of removal has been left unrestricted in the hands of the appointing authority."

The civil service section of the Model Charter of the National Municipal League is practically identical with the Cleveland provision in regard to dismissals, closing with these words: "No trial or examination of witnesses shall be required in such case except in the discretion of the officer making the removal. In all cases provided for in this paragraph the action of the city manager or head of the department shall be final."

**Administrative Boards and Commissions.**—Many details of municipal administration are properly placed in the hands of boards of citizens who are elected or appointed for these specific duties. They usually serve without pay and are composed of men and women who have shown interest and ability in some branch of the public service. School boards are generally elected, but boards in charge of parks, libraries, city planning, charities, the civil service, etc., are usually appointed. The terms are often long, ten years being not uncommon. The members are appointed by the governor of the state, the mayor, or the city council or commission. They render great public service, their acts being usually

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characterized by devotion, unselfishness and intelligence. Many such boards are not authorized by law and they serve in a purely advisory capacity to the city government. A wise mayor or city council will frequently call together a group of representative citizens to study some local or immediate condition or problem such as unemployment, bad or insufficient housing, food supply, threatened epidemics, etc., and act upon their recommendations to good effect. A city government which does not keep in close touch with its better citizenship and call upon it for aid and advice when occasion offers, is neglecting one of its chief opportunities for substantial service.

## CHAPTER V

### DUTIES OF OFFICERS

**The Mayor.**—Mayors are the figureheads of American city government. Whatever their legal powers, however limited their actual authority, they are looked upon by many citizens as omnipotent in all phases of human difficulties and relationships. If the street light goes out, if the water tap fails to deliver, if the grocer refuses credit, if the expected remittance fails to arrive, the mayor is advised, consulted, and sometimes abused if he does not correct the trouble. He must be ready to welcome excursions and distinguished visitors to the city conventions, with a few appropriate words and an engaging smile; his office door must swing open to the humblest citizen upon the most trivial errand. Whatever his powers under the charter, his obligations transcend them. He must bear on his shoulders the blame for conditions which he has no power to remedy and for which he is in no way responsible.

The legally imposed duties of the mayor depend, of course, upon the form of city government and the provisions of the charter and laws. In most states he is required, under state laws, to preserve the peace and may, in times of public disturbance, call upon the

governor for aid, or, through the governor, upon the armed forces of the nation. Under the responsible executive form of government he is the real head of the city and possesses great power and responsibility. The Cleveland charter of 1913 outlines his powers and duties thus: "It shall be the duty of the mayor to act as chief conservator of the peace within the city; to supervise the administration of the affairs of the city; to see that all ordinances of the city are enforced; to recommend to the council for adoption such measures as he may deem necessary or expedient; to keep the council advised of the financial condition and future needs of the city; to prepare and submit to the council such reports as may be required by that body, and to exercise such powers and perform such duties as are conferred or required by this charter or by the laws of the state."

Under commission and city manager charters the mayor's position is quite different. He is often appointed by his associates upon the commission or council, but even when elected his power is very limited. He is the representative of the city upon whom legal processes are served and he is its ceremonial head. Beyond these functions, which are required under the state laws, he has little authority over and above that of any member of the council. In commission cities he has only the same authority over the administrative department to which he has been assigned or elected, as have the other commissioners in their departments. Except in the large cities, he is usually the chairman

of the city council. He votes with the other commissioners and has no veto power. The Sacramento charter, after outlining his simple duties, says, "but this shall not be construed as conferring upon him administrative or judicial functions or other powers or functions of a mayor, under the general laws of the state," and he is under the same prohibition as are his associates in the council against interfering with the executive powers of the city manager. He must not "dictate or attempt to dictate, either directly or indirectly, the appointment of any person to office or employment by the city manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service."

The city of Seattle in the year 1914 elected a freeholders commission which prepared a proposed new charter containing some unique provisions regarding the duties of the mayor. This charter was defeated by the people, but its provisions are worthy of our consideration. Seattle had been strongly divided upon moral issues, and the administration had been severely criticized. It was the day of the open saloon, and brothels and dives had been allowed to flourish, although contrary to state laws. The new charter provided for a council of thirty members, each elected from a small district, for a mayor elected at large, and for a city manager appointed by the council. Nominations were to be by petition, and elections by the preferential system. The principles of the short ballot were adopted, each citizen voting for but two officers, the mayor and

the councilman from his own district. The initiative, referendum and recall were provided for. The city council was given the power to remove the mayor or any of its own members for wilful violation of duty, by a two-thirds vote.

The city manager had full executive charge of all departments excepting the police, and his salary was fixed at \$12,000 per year. The mayor had a two-years term, received a salary of \$5,000 and had sole charge of the police department. He was to be not only the official and ceremonial head of the city, as is the usual condition under a city manager charter, but he also was to "be the head of the police department and maintain peace and good order in the city." This arrangement was new in the administration of American cities. The government had a dual head, but the duties and responsibilities of the two officials were sharply defined. The administration of moral conditions was to be in the hands of an official elected by and directly responsible to the people, the mayor, while other functions were to be administered by the city manager, whose responsibility was through the city council. Considering the moral conditions in Seattle, in which, indeed, that city did not so much differ from many of the larger cities of the country, the proposal was most interesting and its workings would have been watched by students of municipal government with the closest attention, had the charter met with the favor of the people of the city.

**The Auditor.**—An adequate and informative ac-

counting system is a prime requisite of good city administration, and the official at the head of this department is called the auditor or the comptroller. He is sometimes elected by the people, but a much better plan is to have him appointed by the city council, even under the city manager system. His real authority should come from the council, as the information which it is his duty to furnish is first for its members and next, through them, to the people of the city. Not that we as citizens pay much attention to the public business, but the books must show to the occasional inquirer the financial condition of the city in sufficient detail and segregation to enable him to form some judgment as to its general solvency, the present condition of its departments and undertakings, its revenues, expenditures and financial obligations, and to give him the basis for such comparisons as may illustrate its efficiency or its incapacity, as the case may be.

Modern charters usually require that the auditor be a certified public accountant or a person of long experience in his line of work. He is given general authority over the city's bookkeeping, he must examine the accounts and bills against the city to see that only those authorized are paid, and he assembles the departments' budget estimates and presents them to the city manager or the city council for consideration. Systems of accounting for municipalities are frequently established by state laws or are under the authority of a state board which through its agents and employees inspects and supervises the public accounting. Uniform ac-



counting, not only for the municipality itself but for all its undertakings and utilities, is absolutely essential for constructive comparisons with like activities in other cities. We want to know what other cities are doing, how they are doing it and with what tangible results, and we want this information in a form which does not require an interpreter to make it understandable by the ordinary citizen or city councilman. The auditor's job is to obtain and furnish this information.

It is the custom in many large private undertakings to have an audit of the books at least once a year by an outside expert accountant, and this procedure is even more necessary in our public business. Many modern charters require it. In some states a state bureau of inspection furnishes this audit, but no city should neglect it, whether or not it is required by state laws. Disclosures of such an audit frequently reveal discrepancies and irregularities which demand attention and change; they occasionally disclose dishonesty, and always repay their cost in the satisfaction to officials and citizens which comes from exact knowledge of financial conditions. The Dayton charter requires a continuous audit to be made "by one or more certified public accountants who, for three years next preceding, have held a certificate issued by the state board of accountancy of Ohio or by a state maintaining an equal standard of professional requirements." The division of accounting is, in that city, under the director of finance.

**The Treasurer.**—The man in charge of the city's

finances, whether he be called commissioner of finance or city treasurer, has a grave responsibility, and unless he be competent the city's business suffers. Under the older forms of government it has been the practice to elect the treasurer and it often happens that the position is filled by some broken-down business man who, by the practice of personal rectitude has earned the sobriquet of "Honest John" or "Honest Bill." His election is brought about not so much because of his capacity for this most important position as for his personal affability and large acquaintance. He must have such standing in the community as will enable him to get the large bond which is always required, but as his friendship is valuable to the local bankers, this is seldom difficult. Under the newer charters the city treasurer is appointed and it is now quite common to require experience in financial operations and practices in the appointee. His duties are outlined in most city charters, but usually in a vague manner which omits his most necessary qualifications. Almost anyone can carry the keys of the vault, but the ability necessary for the management of the financial affairs of the city and the capacity to advise the council on the intricate and vital details of financial policy are not so common.

The makers of the Sacramento charter had an inkling of the importance of the city treasurer. They define his duties as follows: "It shall be the duty of the city treasurer to receive and keep all moneys that shall come to the city by taxation or otherwise, and to pay out the same in payment of the principal and interest of

the outstanding bonds of the city or on demands audited in the manner provided by law. He shall perform such other duties as may be prescribed by this charter, by general law, or by ordinance. The city treasurer shall have the power and it shall be his duty to transmit under proper safeguards to any bank or banking company in the city in which any of the outstanding bonds are payable, sufficient funds to meet any payments on said bonds and the interest thereon when the same shall become due." The Dayton charter includes, as among the duties of the treasurer, "the purchase, storage and distribution of supplies needed by the various departments," a function which does not belong to him unless he is, *ex officio*, the city's purchasing agent.

The treasurer of a city should be a financier of experience and ability. He must be able to outline and carry out, under the instructions of the city council, the policies of a large financial undertaking with diverse interests and operations, the money for which must come largely from the purses of the citizens in the way of taxation. He should be familiar with the theory and practice of taxation and be able to recommend the least burdensome and most equitable methods of raising the municipal revenue. He must distribute the surplus funds of the city in investments or deposits which combine absolute safety with the best earning power, and must invest sinking funds where they will, with their increase, be available when required to meet their specific obligations. He should be active and persistent in collecting fees, licenses and dues; he should prepare in

time to meet the future bonds and other obligations of the city and must be in position to consider the financial requirements of all of the council's proposals and keep its members informed of the financial consequences of their actions.

Every head of a department is entitled to his advice and counsel in financial matters, and his judgment should be influential in determining their policy. Municipal utilities are just as much in need of careful financial management as are those in private control, but the looseness of their important operations is proverbial. Some cities carry great burdens in floating debts which might be funded to great advantage. Others must continually borrow on short-time obligations in anticipation of tax collections. These and other like problems demand for their satisfactory solution the very best financial ability and acumen, and unless these qualities are found in the city treasurer they are likely to be entirely lacking.

In 1910 Spokane was carrying a floating debt of a million dollars on the municipal water works. The warrants covering this debt bore eight per cent interest and as the annual revenue was little over \$400,000, holders of current warrants did not expect their redemption in less than two or three years. Those who furnished supplies must take their pay in warrants, and in addition to paying the excessive interest, the city was obliged to pay exorbitant prices, from ten to twenty-five per cent above current market values. The solution was found in a twenty-year serial bond

issue floated at less than five per cent interest. Members of the city council which created this debt stated later that they did not know the amount of the obligations they were authorizing and had no notion of the consequences of their action. A competent city treasurer would have kept them advised.

**The Aldermen.**— Few charters prescribe the duties of members of city councils or administrative boards. They are supposed to be the delegates of the people and in general charge of public policies and activities, and because they are so delegated, they need a concentration of knowledge of the public business as well as a concentration of numbers. A common obsession in America is that any man can run a newspaper, a mine or a city government. The fact is that to be a useful member of a city council a man must possess more and broader capabilities than are required for success in any private business. In the modern forms of city government, where councils are closely limited to legislative functions, it is not so necessary that an alderman shall be competent in the details of public works; for these he employs an expert. But there is a requirement for knowledge of the broader aspects of city government, and a wisdom and judgment which will enable him to give intelligent consideration to the city's needs and make competent decisions upon them.

And as we are requiring more and more of government, the demand is for wider and fuller knowledge and understanding of human needs and aspirations on the

part of those who represent us in city councils. The ideal city of the future will not limit its activities to the protection of life and property and the physical public works of the community; it will be active in the broader fields of correctional, educational, social and spiritual welfare, and its chief object will be the building of a better environment and a better citizenship.

**Departmental Heads.**—The size of the governmental organization in a well-administered city will depend upon its population and the extent and importance of its activities. In small towns which are not growing rapidly a city manager must be versatile enough to perform the duties of departmental management and utility superintendence, or if there is no manager, then the necessary services may often be secured on a part-time basis. In the larger cities the work is subdivided into such departments as the charter or ordinances may require. That city is fortunate in which the organization is wisely built upon the needs of the service and not upon the basis of political expediency.

The usual departments of a city of 50,000 to 100,000 population will be: works, with its subdivision of streets and sewers; utilities, each enterprise having its own superintendent; safety, containing police and fire departments and the inspection of plumbing, building and electric wiring; welfare, including health, charities, food inspection and garbage disposal; and finance and accounting. If the city is a port, its docks and terminals may be under the department of works

or utilities; if there are many bridges they will be attended to by a subdivision of the works department. This outline presupposes that parks and playgrounds, libraries and schools are administered by boards or commissions.

The qualifications for heads of departments are honesty, capacity and some knowledge of, and experience in, their several occupations. In Dayton, public works and utilities are combined in a Department of Public Service; in Sacramento, works and utilities are subdivisions of a Department of Engineering. In the Model Charter of the National Municipal League six departments are provided for, viz., law, health, works and utilities, safety and welfare, education, and finance, with these requirements of the personnel: "The director of the department of law shall be a lawyer; of health, a sanitary engineer or a member of the medical profession; of works, an engineer; of education, a teacher by profession; of safety and welfare, a man who has had administrative experience; and of finance, a man who has had experience in banking, accounting or other financial matters; or in each case the man must have rendered active service in the same department in this or some other city."

The Dayton charter thus defines the duty of the director of public service: "Subject to the supervision and control of the city manager in all matters, the director of public service shall manage and have charge of the construction, improvement, repair and maintenance of streets, sidewalks, alleys, lanes, bridges, via-

ducts and other public highways; of sewers, drains, ditches, culverts, canals, streams and watercourses; of all public buildings; of boulevards, squares and other public places and grounds belonging to the city or dedicated to public use, except parks and playgrounds. He shall manage market houses, sewage disposal plants and farms, and all public utilities of the city. He shall have charge of the enforcement of all the obligations of privately owned or operated public utilities enforceable by the city. He shall have charge of the making and preservation of all surveys, maps, plans, drawings and estimates for such public work; the cleaning, sprinkling and lighting of streets and public places; the collection and disposal of waste; the preservation of contracts, papers, plans, tools and appliances belonging to the city and pertaining to the department."

These segregations are arbitrary and differ in nearly every city. In Spokane the public buildings are managed by the department of public affairs, which also has charge of health, inspection of weights and measures, food inspection, markets, garbage disposal and the municipal testing laboratory. The management of utilities, both public and private, and of street lighting are in charge of the department of public utilities; and the care and preservation of contracts, papers, and plans which have been approved by the city council is one of the duties of the city clerk. The Springfield, Ohio, charter, in providing the duties and qualifications of department heads, is strong on the negative rather than



the constructive side: "No member of the city commission, the city manager, or any other officer or employee of the city, shall be directly or indirectly interested in any contract, job, work or service with or for the city; nor in the profits or emoluments thereof, nor in the expenditure of any money on the part of the city other than his fixed compensation; and any contract with the city in which any such officer or employee is, or becomes, interested may be declared void by the city commission." Under penalty of dismissal and punishment by a fine not exceeding \$100, officials and employees are forbidden to accept gifts or passes, or to "take any active part in securing, or contribute any money toward, the nomination or election of any candidate or candidates for the office of city commissioner, excepting to answer such questions as may be put to him and as he may desire to answer."

Most charters might well be abbreviated in the sections defining the duties of employees from top to bottom of the city's pay-rolls, by providing that they perform such duties as may from time to time be required of them by the city council and their superiors, and leaving the more specific requirements and prohibitions to legislation, orders of department heads and rules of the civil service commission.

**The City Engineer.**—There are few city officials who can do more permanent harm or more constructive service to a city than the city engineer. The members of the city council, generally unskilled in engineering problems, must often blindly follow his lead in matters

of great and enduring importance. He may err expensively in a thousand matters of serious import or he may compass great economies and lasting benefits. Good judgment and a vision of the city of the future are absolutely necessary in him in addition to his technical equipment. When he prepares a plan for a new street and presents it to the city council for approval, he has the power to make or mar the civic structure for all time. Problems of location and connections, gradient, drainage, surface contour, material, width of roadway and sidewalks, intersections, pavement, lighting, and provision for underground structures are intensely technical problems, upon the solution of which the city council cannot be expected to be competent. A change in grade may involve the city in costly litigation; a hump or depression in a street may be cheaper now but vastly more expensive as the city grows.

These and the other problems of city building on the technical side require the highest qualifications in a city engineer. His is the last position in city employment for which a city should look for a cheap man, and considering the rewards for a competent engineer in private employment, his salary should be one of the highest paid by the city. Flint, Michigan, a city of over 100,000 population which had a remarkable growth in the decade of 1910-1920, has laid over sixty miles of pavement by day labor under the supervision of the city engineer, and the work was well done and at a remarkable low cost. This would be a dangerous experiment in some of our larger cities, in which a

condition often exists which has been described in relation to Philadelphia as "corrupt and contented." The success of the undertaking in Flint is easily explained. It has had an honest and capable government and a city engineer who could be neither "bulldozed, bamboozled nor bought."

**The City Chemist.**—One of the most frequently neglected sources of municipal profit and economy is the city chemist and his testing laboratory; there is scarcely a municipal undertaking which is not accomplished in a more economical and more satisfactory manner by reason of his work. Perhaps no other investment which a city can make will yield a more immediate and profitable return than the purchase of the necessary laboratory equipment and the employment of a chemist. The testing laboratory in Spokane costs about four thousand dollars a year. One of its first accomplishments was the improvement of the quality of the city's gas supply. Its heating power was raised not less than twenty per cent, thus increasing its value to the gas consumers of the city by at least \$50,000 a year. The services of the city chemist should be available to every department of the city's work, and the laboratory may be properly administered through the health department, or under the city engineer, or jointly by these two departments. The chemist's duties are largely in the line of analytical work, but microscopy and bacteriology are important functions. To be most useful to the city he must not only be trained and experienced in general analysis, identification and bacteriology, but

he must possess the ingenuity and resourcefulness which are required to solve the new problems continually coming up.

Cities have, until quite recently, bought supplies of all sorts without much knowledge of their quality; the new method is to test everything capable of being tested before purchase. Every lot of asphalt and cement which goes into pavements, every barrel of paint or lubricant, every shipment of paving brick, every purchase of engineering materials of all sorts is subjected to searching examination by the chemist to see that it conforms to the specifications under which it is purchased. The word "paint" is probably the most elastic term known to the world of trade. To the lay mind it conveys the impression of an intimate mixture of white lead and linseed oil, but it frequently contains neither and, indeed, it may answer for some purposes without these constituents. But the label on the can shyly avoids cataloging the materials to be found within it, and if a city buys it on the label the quality may not show itself until the paint has been exposed to the weather for a few months. The loss includes not only the worthless material but also the good labor used in its application. A little investigation by the city chemist may easily save a large amount of labor and of money.

But the most valuable work of the city chemist cannot be measured by its cost in money. His most important duties are his work for the health department in the testing of milk and other foods, the analysis of

water and sewage, the microscopic examination of cultures and smears for pathological evidence, and in general bacteriological investigations. His services are of special value to the police department, where a court conviction frequently depends upon the percentage of alcohol in a beverage or the presence or absence of poison in some suspected substance.

**The Purchasing Agent.**—One of the most frequent leaks in city finances is through the purchase of supplies. No city, large or small, can afford to allow the employees of each department or every foreman to buy supplies independently. The purchasing agent is just as necessary and economical a functionary in city business as in large private undertakings. If the volume of purchases does not justify the employment of a purchasing agent on full time, an official with other work should be designated for this duty, and his exclusiveness in buying most carefully guarded. It will surely follow that the city will buy at lower prices, goods bought will be accounted for and time will be saved, not only that of city employees but of the merchants of whom purchases are made. The purchasing agent should be responsible for goods bought, until they are in the hands of the department or crew which uses them, and all checking of goods received and authorization of payment for them should come to the city auditor through him. He should have sole charge of the city's stores and be responsible for all supplies on hand and for their issuance when needed.

Most modern charters require bids to be submitted

and considered in open session of the city council or other official body when the amount of the purchase is in excess of a certain sum, making provision for emergencies when the time required for advertising for bids would cause expensive or dangerous delay. This emergency clause is frequently overworked, but if the city has a real purchasing agent he will usually get as good (and sometimes better) prices over the telephone as would have been submitted in writing, and no damage is done. Emergency purchasing in the hands of all employees and officials is a temptation to dishonesty and is always wasteful.

The purchasing agent must be above the temptation to bribery, large and small. He should know the value of buying in bulk in advance of the city's needs, but his good sense and the authority of the city council behind him should prevent overloading his stocks with excessive quantities. He must know qualities and must watch markets. The city chemist is his most valuable ally. The Grand Rapids charter (1917) contains a comprehensive outline of his duties:

“(a) The city purchasing agent shall make purchases of all supplies needed by the city and shall approve in writing all vouchers for the payment of the same when he is satisfied delivery of such supplies has been made in accordance with the specifications and contract.

“(b) He shall conduct all sales of personal property which the city commission may authorize to be sold.

“(c) He shall require annually or oftener from each officer or department a written requisition for the quan-

tity and kind of supplies needed by them, which requisition must be approved by the city manager.

“(d) Before making any purchase or sales involving more than \$100, opportunity shall be given for competition. All proposals shall be upon identical specifications and under such rules and regulations as the city commission shall establish. No purchase or sale shall be made unless approved in writing by the city manager or his deputy. In emergency cases a purchase may be made at a price and in quantity approved, in writing, by a majority of the city commission and by the city manager.

“(e) He shall have charge of and be responsible for any storeroom or storehouse provided for by the city commission and of all supplies and materials stored therein.

“(f) No purchase of supplies or materials shall be made for any department or office until the city comptroller has certified that there is money in a proper fund of such department or office available for the payment of such purchase.”

**Utility Managers.**—About three-fourths of the city water works in America are owned and operated by municipalities, and other public utilities are so owned in lesser proportion. There are over two thousand municipal electric lighting plants now publicly owned and operated, and there is no public utility which is not, in some American city, under municipal operation. In the control of the utilities which serve the city there are two distinct phases: first, the operation of those

which the city owns; and, secondly, the supervision of those which are privately owned and operated under franchises granted by the city council or the state legislature. This control and supervision requires for its best results a high type of expert service from the representatives of the city government. General policies of utility management will be more fully treated in the chapter on administration; we now consider the necessary qualifications and the duties of the officers who have immediate management of these vital undertakings, and their relationship to their city councils and superior officials.

Authority and responsibility for utility operations ordinarily comes from the electorate to the city council, thence through city manager or department head to the manager or superintendent of the plant. The latter is very seldom elected. His appointment is for an indefinite term. He usually has little to do with general or financial policies but is responsible for the physical operations of the plant and for its contact with its patrons. He must be an expert in his calling. His first requirement is technical knowledge and ability in the particular utility which he is operating. If it is a water-works, he should know the fundamental requirements of city water supply, quality, continuity, quantity and pressure; he must be familiar with sources, impounding, transmission, storage and distribution; he must understand pumping, filtration and purification, and he must be efficient in all the details of construction and operation. If it is a gas works, an electric lighting plant or a street



railway, a like intimate knowledge of detail is required in matters of construction, operation and service.

The ability to handle men is one of his chief requirements, for unless he can establish harmonious cooperation in his organization and instil a sense of loyalty in his subordinates, he will not be efficient or successful. And the personal equation is often complicated in city work by restrictions and rules of employment which managers of private plants know nothing about. A mistaken civil service law or the importunities of political job-seekers may impose conditions upon him which fill him with discouragement and hamper every constructive effort. When a politician or party organization attempts to dictate whom he shall employ, and this often happens in the employment of his assistants in every capacity, down to the laborers who dig his ditches, he cannot be expected to do good work. Capable men will not endure such handicaps, and the effect of such a condition is often seen in a utility manager who is nothing but a political heeler, unfit in every way for the responsible duties of the position he holds.

Elected officials, even those of questionable ability and motives, will frequently employ an honest and competent utility manager because they understand the importance of the intimate contact of such a man with the voters of the city, and the advantage to them at election time of satisfactory utility service. An ordinary law-abiding citizen does not usually get into close touch with his public officials if everything goes smoothly in his relationship with the government. But the city's

utilities touch him constantly and intimately every day of his life. If their service is good and their rates reasonable; if he gets courteous attention and fair treatment from the clerks who wait upon him when he goes to the water office to pay his monthly bill; if his complaints are few and promptly attended to and his water never fails to run when he opens a faucet, and his gas never blows out the match with which he is trying to light it, he develops a satisfaction with the responsible officials of the city which means a vote when they are again up for election. In many American cities there can be found appointive utility managers who, by reason of their real ability and efficiency, have retained their positions through many political upheavals, for the reason that scheming politicians were wise enough to appreciate the political usefulness of good utility management or did not dare to displace them and appoint a partizan.

The proper supervision of relationships between privately owned utilities and their patrons and the enforcement of their obligations to the city under their franchises and the city ordinances, require the services of a special official or organization devoted to this particular purpose. The growing practice of giving cities some measure of continuous control of privately owned utilities, as in the "service-at-cost" street railway franchises now common, has created a demand for utility experts in the city's employ, charged with seeing that good service is maintained and franchise obligations promptly satisfied. The Dayton charter makes it the

duty of the director of public service to "have charge of the enforcement of all the obligations of privately owned or operated public utilities enforceable by the city." The Model Charter of the National Municipal League has the following excellent provision:

"There shall be established by ordinance a bureau of franchises and public utilities, at the head of which shall be an officer appointed by the city manager. Such officer shall be an expert in franchise and public utility matters and he shall be provided with such expert and other assistance as is necessary to enable him to perform his duties. It shall be the duty of such officer and bureau to investigate and report on all proposed ordinances relating to public utilities, to exercise a diligent oversight over the operation of all public utilities operated under franchises, to report thereon with recommendations to the city manager, to represent the city in all, except legal, proceedings before any state public utilities commission involving the public utilities within the city, and to perform such other duties under the direction of the city manager as may be prescribed by the council."

The importance of this function of city government and the financial and other losses which so frequently result from its neglect, amply justify the necessary outlay for the maintenance of such an official or bureau in every city of more than fifty thousand population.

## CHAPTER VI

### THE COUNCIL AND LEGISLATION

Members of the city council are expected to possess or acquire a general knowledge of the principles of city government as they exist in theory and as they are worked out in practice. A study of the activities of other cities will furnish examples of how not to do things as well as how to do them. Councilmen may have been elected on some special issue which is of immediate importance to their group, ward or district, or to the city as a whole, or because they are Republicans, Democrats or Socialists; but when the local or partizan issue is disposed of, or beyond and above its continuing demands upon them, the many policies of general concern must be given attention, and the councilman's success or failure will depend upon the intelligence he shows and the capacity he develops in the interpretation of the wishes of his constituents. It has often been said that a city gets as good government as its people deserve; but it often happens that the growth of civic righteousness is more rapid in the electorate than in the government, and that the citizens of a community become lax in keeping their representatives informed of their wishes and opinions on public matters.

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The small group which will take the time to attend council meetings does not usually represent the whole citizenship, and the councilman of honor and capacity will get his information of what is expected of him by every means of contact with his fellow citizens. He must develop a leadership which will keep them advised of civic advancement in other places, he must talk with them and to them on the issues which are engaging the attention of forward-looking citizens in their own and other cities and he must be ready to discuss and explain his own actions and the reasons for them. He should be readily accessible to those citizens who have the desire to talk to him about the public business, without the necessity of wasting time on bores and malcontents.

**Council Meetings.**—Most charters require that all meetings of the council must be open to the public, and some go even farther than this, in requiring that all sessions of the committees of the council shall be public. This has often been construed to mean that members of councils, commissions and committees are prohibited from having any private conference at which any phase of the public business might be considered or discussed. Such a construction is wrong as well as futile. It is necessary and proper that any meeting of the council at which action is taken on the public business shall be open to the public, and that the records of such meetings and actions be fully kept and be open to public inspection at all reasonable hours. It is a wise provision of several modern charters that requires the publication of an "official gazette" or like organ

containing in detail the acts of the council or the minutes of its meetings, and which any citizen can have mailed to him on his request; it is very desirable that the newspapers of the city be given free access to all records and encouraged to send their reporters to the meetings. But there are questions of policy always appearing which should and will be discussed in private by the members of the council, no matter what prohibitions of such action are contained in the charter.

It is often necessary to purchase a parcel of land for public use, as a park, an approach to a bridge, or a site for a reservoir or a fire station. The members of the council know that any publicity given to such an intention will immediately enhance the price of the property. When it was known that Spokane must have a certain sixty-acre parcel of land just outside the city to protect its water supply, the owner promptly platted the acreage into building lots, filed the plat with the county recorder and put a price upon it which the city council thought excessive. In the condemnation suit which followed, the city had to pay two or three times the price at which the land would have sold to a private purchaser before it was known that the city wanted it. If publicity had been avoided, the members of the city council might have obtained an option through some third party, and the land purchased at a reasonable valuation. Of course a dishonest councilman might have made a private deal with the owner to double the price and divide the spoils, but if we are ever to obtain good government we must give our officials the con-

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destructive presumption of honesty rather than the destructive assumption of guilt. An official persistently treated with contempt is quite likely to become contemptible.

In most commission cities where the commissioners give their whole time to the government, it is the practice to have an administrative session of the council at a stated hour on every business day, and a legislative session once a week. Citizens know that they can get into touch with their government any day, and get consideration of any complaint or suggestion. It often happens that such business as is transacted at administrative sessions is light and of little moment, and that it is done with no spectators present other than the clerks and the newspaper reporters. Sometimes, indeed, there is no business to be done and the record contains only the roll call and the motion to adjourn; but the daily meeting is desirable. In city manager cities, where the duties of the councilmen should be made as light as possible, there should be provided by ordinance or the charter a board of officers with a daily meeting, empowered to attend to the petty routine of city business.

The proposed charter for Seattle contained a useful provision of this sort, by which the council was relieved and the public business facilitated: "There shall be a board of awards and adjustments which shall consist of the city manager, the city comptroller and the corporation counsel. The board shall hold such regular meetings as it may determine and such special meetings

as it may appoint or the chairman may call. All meetings shall be public, at a stated place, and a majority of all members shall be necessary to constitute a quorum. The board shall award all contracts; adjust, allow and certify for payment all bills, pay-rolls and claims; cause to be prepared and certify to the city council all assessment rolls for local improvements; hear and determine all applications for permits not otherwise provided for by law; fix the amount of and approve the sufficiency of the sureties on all bonds, except as otherwise provided by law; and at least once in every six months examine such bonds and determine the sufficiency of the amount and sureties thereof and in its discretion, require new or additional bonds; and perform such other duties as the council shall prescribe. The comptroller shall be secretary and keep a record of the proceedings of the board."

**The City Ordinances.**—The laws to which city dwellers are subject have their origin in many sources: the constitutions of the nation and the state; the common law; the legislative enactments of the Congress and the state legislature in so far as these apply; and the charter and ordinances of the city. These latter are delegations of the police power of the state, which in its broad sense, is the power to govern. City ordinances possess the same basis of authority as city charters, but the latter are intended to be more fundamental, more fixed, and less easy to change than the former. The right of supervision and control of the streets is properly a charter grant, but the details of the regulation of



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traffic upon them is a matter which is subject to frequent change, and is therefore proper subject matter for a city ordinance. City charters prescribe the form and procedure necessary to make an ordinance legal and effective, specifying an enacting clause with which every ordinance must begin, forbidding the inclusion of more than one subject and specifying the vote by which they must be adopted, the time which must elapse between introduction and final passage, etc.

The Cleveland charter requires that city ordinances be introduced in written or printed form, that they shall contain but one subject, which shall be clearly expressed in the title; that none other than emergency ordinances be passed until they have been read on three separate days; that the third reading shall be in full unless the measure is written or printed and a copy furnished to each member of the council prior to such reading; and that they shall be in effect from and after forty days from the date of their passage. All charters require an interval between introduction and passage, excepting for "emergency ordinances," which may be adopted in shorter time and may go into effect sooner. This rapid legislation is dangerous and is always surrounded with safeguards to prevent the abuse of the power. The Springfield, Ohio, charter requires a four-fifths vote for the adoption of an emergency ordinance and copies the Cleveland definition verbatim, as follows:

"An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health or safety, or providing for the usual daily operation of a municipal

department, in which the emergency is set forth and defined in a preamble thereto. Ordinances appropriating money may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall ever be so passed."

Ordinances may ordinarily be amended by the same vote and under the same procedure as is prescribed for their adoption.

**The Referendum.**—In cities where the referendum is not effective, an ordinance may go into effect upon its passage, or, if the mayor has the veto power, in ten or twenty days thereafter. For the operation of the referendum a longer time is required, sufficient for obtaining the necessary signatures to the petitions and the checking of them by the city clerk. The referendum permits the people to approve or reject at the polls any measure passed by the council, sometimes excepting emergency measures. Under its operation an ordinance may be submitted directly to the people by voluntary action of the council, or it must be submitted to vote if a sufficient petition is filed with the council before the ordinance goes into effect. The number of qualified electors required for such a petition varies in various cities but it is usually from ten to fifteen per cent of the number voting at a recent city election. If the petition is found to be sufficient, the city council proceeds to reconsider the measure, and if it then be not repealed or amended by the council as demanded in the petition, the ordinance is withheld from going into effect and must be submitted to a vote of the people

either at the next regular election or at a special election called for the purpose.

The Model Charter of the National Municipal League makes an emergency ordinance also subject to the referendum. The action is the same as is provided for other measures, except that an emergency ordinance already in effect shall not be suspended while the referendum proceedings are pending. If it be not approved by a majority of the voters at the referendum election, "it shall be considered repealed as regards any further action thereunder and all rights and privileges conferred by it shall be null and void." The referendum is one of the new tools of democracy. It gives the people a more direct and immediate control over the acts of their representatives in the city council than they have before enjoyed, and it thereby places a new and added responsibility upon the citizen. W. B. Munro calls the referendum "an omen of a declining faith in the integrity and good judgment of elective law-makers."<sup>1</sup> The referendum as it now exists is merely an extension of the powers of the voter; it is an old and common practice to require a vote of the people of the city upon a charter granted by a state legislature, and upon the incurring of municipal indebtedness.

**The Initiative.**—Under the referendum the people may veto the action of their representatives in the city council. It involves negative action only. The initiative gives to the people constructive opportunity

<sup>1</sup> W. B. Munro, *The Government of American Cities*, 1917, p. 322.

in legislation ; the right to correct omissions on the part of the lawmakers. It is the means whereby a private citizen may participate in the legislative functions of the government. The initiative is usually found coupled with the referendum in our cities and states, but it is less used than the latter, because the people are more easily aroused in antagonism to a definite proposal than interested in new and affirmative measures. The rapid adoption of these measures of direct legislation is due to the fact that they appeal not only to the voters but to members of legislative bodies. The voters believe that by these means their representatives will be stimulated to closer attention to popular demands, while the legislators welcome the opportunity to shift some of their more pressing responsibilities upon the people. The hope of good government is in the increasing interest of the citizen, and interest grows with any added duty or responsibility.

The operation of the initiative is much the same as already outlined for the referendum. A petition containing the proposed measure in full, with the required number of signers, is presented to the city council. If the council then adopts the ordinance without change, the proceeding lapses. If the council refuses to pass the ordinance, it must be submitted to a vote of the people. Ten to fifteen per cent petitions are usually required but the conditions vary considerably in the different cities. In Oakland, California, the initiative is invoked with a five per cent petition and the measure must be submitted at the next general municipal elec-

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tion. If the petition contains the names of fifteen per cent of the qualified voters (and not less than 3,000), the council must call a special election, unless there is to be a municipal election within ninety days. In Kalamazoo either the initiative or the referendum is invoked by a fifteen per cent petition. In Sacramento only five hundred names are required for either, but the voters must go to the city clerk's office to sign.

This provision is a recognition of the common evil of "petition shoving." Interested parties have been known to pay circulators of petitions, either wages or a fee for each signature obtained, and it is a well-known proclivity of our people to sign petitions in a careless and inconsiderate manner. A petition to hang the governor, who was a popular executive, was once circulated among the members of the Nevada legislature and it was signed by a majority of them before its real purport was discovered. The circulator was careful to approach a member only when he was busy, and then with the statement that the petition was in favor of granting a few days vacation to a page whose mother was ill. The coming of direct legislation has brought a new responsibility to the voter. Of course the petition itself does not determine the fate of an initiative measure, but special elections are expensive and should not be called for unless the proper proportion of the voters believe in its necessity.

A serious difficulty with the operation of the initiative is the careless and ineffective way in which the measure is often drafted. From the fact that an ordi-

nance adopted in this way cannot usually be repealed or amended by the city council, but only by the people, it is evident that grave complications may easily develop. The Model Charter of the National Municipal League endeavors to overcome this difficulty by requiring that the petitions carry, in addition to the measure itself, printed in full, "the names of at least five electors who shall be officially regarded as filing the petition, and shall constitute a committee of the petitioners for the purposes hereinafter named." If the petition is found sufficient (fifteen per cent for submission at the next general election and twenty-five per cent if a special election is demanded) the city council is required to consider the measure, refer it to a proper committee which shall hold public hearings upon it, and report within sixty days. The council must accept or reject the measure within thirty days thereafter.

If the council fails to pass the measure it must submit it to the voters. "When submitted the measure shall be either in its original form, or with any proposed change or addition which was presented in writing either at the public hearing before the committee to which such proposed measure was referred, or during the consideration thereof by the council; and said committee of petitioners shall certify to the clerk the requirement of submission and the proposed measure in the form desired, within ten days after the date of final action on such measure by the council." The Cleveland charter provides for the amendment or repeal of initiated ordinances by the city council, and

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this is a wise provision. The Sacramento charter recognizes the danger of submitting at the same election two or more initiative measures of the same general purport but with different provisions, by providing that "in the event that two or more ordinances adopted at the same election shall contain conflicting provisions, the ordinances or proposition receiving the highest number of votes at such election shall be paramount and all questions of construction shall be determined accordingly."

Frank L. Goodnow, in summing up the arguments in favor of the initiative, says: "The processes of direct legislation are, in the last resort, a powerful engine for bringing forward and placing on the statute book legislation for the public welfare which through the operation of special and selfish interests it would be impossible to secure from representative bodies of the usual type."<sup>1</sup> The higher the "usual type" the better the results and the less need for direct legislation.

<sup>1</sup> Frank J. Goodnow, *Municipal Government*, 1919, p. 168.

## CHAPTER VII

### ADMINISTRATION

**Schools.**—Most city charters have nothing to say regarding the public schools, although the schools are, in their product and their cost, the most important item of administration. The reason for this omission in charters is that schools are usually administered under direct state authority, granted to a school district the boundaries of which may or may not be identical with those of the municipality. The citizen of a city is, however, a citizen of a school district and has the same duties and responsibilities in this capacity as he has toward other administrative departments. Partizan politics plays just as much havoc in the conduct of the schools as it does in the management of the water works; it has no proper place in either, and the city that still endures its presence must suffer. In most states the schools are administered by elected district boards under a state organization headed by a superintendent of public instruction or commissioner of education. The boards are composed of three or more citizens usually elected by the people of the district, with overlapping terms of three or more years.

These boards have authority to hire and discharge teachers and executive officers, to provide buildings



and maintain them, and to levy taxes. County superintendents of schools are frequently elected by the people, but city superintendents are usually appointed by the school board and are brought from any section of the country where the best talent can be obtained for the salary offered. School boards are generally unpaid, and a high type of public devotion and service is the rule among their members. It is the one branch of our public business in which graft is practically unknown, and in which we have little to learn from European countries. In a growing city the great problem of a school board is to meet the needs of an increasing attendance with suitable buildings and to keep step with modern educational progress and at the same time to keep within the reasonable ability of the people to pay the bills. The temptation is to do one of two things which are always objectionable, namely, to provide temporary or flimsy buildings, or to burden the district with heavily bonded debts. A nice balance between adequate provision for public education and financial obligation calls for devoted and intelligent service.

Teachers must be selected with care and should be well paid; buildings should be substantial, adequate, permanent, safe and well heated and ventilated; close medical and dental inspection and correction should be continually maintained and the school nurse should carry the gospel of sanitation and wholesome living into the homes of the pupils. School buildings are becoming more and more social centers and must now be planned and built with the idea of making them useful

in other ways and at other times than those in common practice.

**Streets.**—The modern city planning movement gives its first attention to improving facilities of transportation and access, in the effort to make the city convenient to approach and to traverse, not only by its own people but by visitors. Intricate and confusing street layouts are detrimental to growth and increase the cost of doing business. It is said of Boston that it is an easy city to get around but very difficult to get across, and this can be verified by the occasional visitor. Most American towns and cities have grown by accretion and without plan, and as a consequence there is plenty of work in them for experts in street planning. Vision and judgment are demanded in foreseeing future needs as business and population grow. The casual visitor may be the future citizen, and first impressions are likely to be of the character and condition of the streets, particularly if the visitor be one of the army of automobile tourists now growing so rapidly. A street plan which includes the correction of past errors, ample facilities for present and future business, and good connections with arterial country roads is an urgent need of most of our cities.

The proper use of the streets brings up many administrative problems. Traffic rules, parking regulations, pavements, use of sidewalks, drainage, lighting and cleaning are all very important to city life, and all more or less complicated by the great change in street usage brought about by the displacement of the

horse by the automobile. The increasing use of heavy and high-powered vehicles has vastly increased the danger of the streets and the frequency and fatality of street accidents. In the city of New York there is an average of more than two deaths a day the year around from street accidents, and the loss of life from this cause in all of our larger cities is appalling. The safety of the people in the public streets is an administrative as well as a personal responsibility. It is not enough to place the care of the streets in the hands of some official; he must be qualified to assume such a grave responsibility, he must keep posted on progressive enactments and practices in other cities, and must have behind him a continuing public sentiment for ease and safety of street traffic.

Parking rules have come to be most important. The streets of a city are primarily arteries of traffic and means of access to property. The merchant who pays rental for a store building is entitled to easy access for his customers, and that right is infringed by long parking of vehicles in front of his door. Sidewalks are intended for pedestrian traffic, and every other use of them which a city allows, infringes the right of their proper public use. There is a continual antagonism and argument between those who use the streets and sidewalks for their primary and legitimate purpose and others who seek special privileges upon them, and between these opposing contentions the official in charge must hold a reasonable balance.

The proper lighting of streets is an expert's job, but

examples of inefficient, inadequate and wasteful lighting may be found in most of our cities. Improvements in the art of lighting come so rapidly that an installation of street lighting is likely to become obsolete before it is fairly completed. The official in charge of lighting must keep pace with modern practice. He must know of the new inventions whereby the best light is obtained from the least expenditure of money, both in installation and maintenance; he must keep advised of the studies of glare, refraction, silhouette and intensity which are being made by lighting engineers and he must be able to determine proper costs of such lighting projects as he is ready to recommend to his city council.

**Sewers.**—Proper drainage is essential to healthful living and constitutes a vital problem in city administration. Nothing advertises a city more as a good place to avoid, than does the visible evidence of the lack of sufficient sewers. The importance of adequate drainage is now so well known that in many states a state board of health, or similar body, has authority to compel the building of sewers in a city which is negligent or careless of its own sanitary condition. Too many cities are in this class. Sewers are expensive, they produce no revenue, and their cost is frequently assessed against the property which they serve, not only the cost of the branch or lateral which goes to the property, but also a proportion of the cost of the street line and the trunk line, which may be miles distant. But their necessity is vital, and cleanly people who live in an unsewered

district are always anxious for their installation. The chief antagonism comes from the owners of vacant property who have no present use for sewerage and who object to paying their portion of the expense.

The councilman who will listen to the pleas of non-resident owners of vacant property in opposition to a sewer installation, as against the frequently unanimous demand of those who live upon its proposed route, is an anachronism. Most American cities are overburdened with vacant lots held for speculative profit. These lots are rendered more valuable by every building erected in their neighborhood, and by every family which locates in the district, and their owners, so long as we allow them to profit from a source so entirely communal and outside of any contribution of their own, should not be allowed to obstruct the progress of reasonable and essential public improvement.

The planning of sewers based upon the contour and natural drainage of the land, and the computations and estimates of their capacity for both house and surface requirements, is usually done by the city engineer, and these are real problems. The more closely the city is built up, the less the ability of the soil to absorb surface waters and the greater the size of the required sewer. Size is also influenced by gradient, by the presence of industries which may contribute large quantities of sewage, and by the intensity of rainfall. One of the too common sights in all our cities is a crew of men digging up an expensive pavement to replace an inadequate sewer with one of the proper capacity, an expense which

would not have been necessary had the engineer who designed the original sewer been competent in his work.

**The Police Department.**—The two principal functions of government are to serve and to restrain; the more it can serve and the less it must restrain, the better the government. Diminishing necessity for restraint is not so much an evidence of a good police force as it is of an increased regard for the rights of others by the mass of the people. So long as self-restraint has not been developed in the individual citizen, forcible restraint must be provided by the government. The police force cannot be dispensed with until all have learned the applicability of the golden rule to all the relationships of life; and the upward progress of humanity is very, very slow.

The organization of the police force, both in its management and control and in its personnel, is one of the most important of the city's administrative tasks. The charter should provide for non-political control, for appointment by competitive tests, for promotion by merit, for the public care of members of the force injured while in the service, and for retirement on pension. In commission cities the head of the department is one of the elected commissioners, while in others an appointed commissioner or board is usually in charge, acting under the authority of the city council or the mayor. The chief of police should be an expert in organization and experienced in the details of law enforcement. Much depends upon his capacity and understanding of the

intricate problems with which he constantly has to deal, and his ability to keep up an efficient and harmonious organization. His influence permeates his force, and his personality may make all the difference between firm but kindly insistence upon law observance and a nagging and intolerant exercise of authority by his subordinates.

A good policeman is the product of sound character, personal courage, a kindly disposition and long and intense training. These are high qualifications and we need not be surprised that there are few men or women who can measure up to our requirements. In constant touch with the seamy side of life, subject to strong temptations from those ready to threaten, hoodwink or corrupt, often abused by respectable citizens who chance to come within the law's prohibitions, and subject to multifarious orders and instructions from headquarters, the police officer has a difficult part to play. That some of them yield to temptation is no wonder. But the faithful and efficient police officer, man or woman, deserves the respect and confidence of the citizens he protects and will be a better officer and citizen for some evidence of public esteem and appreciation.

**The Fire Department.**—In the smaller commission cities the administration of the fire department is under the elected commissioner of public safety; under other forms of government it may be in charge of the mayor, of a fire commissioner or a board of appointive officials. A chief engineer is the intermediary between the management and the details of operation and person-

nel. Voluntary organizations of fire-fighters were the rule in all of our cities fifty years ago and still form the only agency for fire protection in many of the smaller towns. In the transition stage between volunteer and paid fire departments a nucleus of paid men is assisted by volunteers or by men in other employment, subject to call. The old volunteer organizations did good service, and their rivalries and competitions, both in real fires and in the frequent friendly contests, are a pleasant memory to their former members. As a rule, they objected to the introduction of paid departments and modern apparatus with the same vigor that workmen fought the arrival of labor-saving machinery. In Cincinnati the voluntary firemen put up a strong fight against the introduction of steam pumping engines in 1853.

One of the greatest difficulties of fire department administration is caused by the lack of steady employment for the men. In congested districts where alarms are ordinarily frequent, employment is reasonably constant, but in the outlying residential districts where but two or three alarms per month are received, the ingenuity of the captain in charge is not equal to the task of keeping the men employed, and idleness proverbially induces mischief. A new proposal, which promises not only relief from this condition, but substantial monetary advantage to the city, is to furnish productive employment at fire stations, which can be carried on in spare time and which will in no way interfere with readiness and efficiency when there is an alarm of fire.



The repair of the city's street equipment, the care of automobiles, the handling of the city's stores, the manufacture and repair of the uniforms of the police and firemen, and many other useful occupations might be carried on.

Spokane has, in connection with one fire station, a shop wherein automobile fire apparatus is repaired and built, and the fine hose cars, chemical wagons and other vehicles which have been produced in this shop would be a credit to any manufacturer, besides being built at about half the price (not counting labor) that the city would be charged by any outside producer. Increased wages, over their regular pay as firemen, are paid to the firemen who work in this shop, and it is found that they are not only just as good firemen but are also better satisfied, more contented, and proud of their accomplishments. The double platoon system now gaining favor would be less expensive and more productive under such a plan. Additions to the personnel might well be selected for mechanical ability as well as for their aptitude for fire fighting.

**The Health Department.**—City health officers are almost universally appointed, a recognition of the demand for experts and of the futility of attempting to elect them. Charters usually prescribe no qualifications for this important position except that the health officer be a graduate physician licensed to practice medicine in the state. Under the Model Charter of the National Municipal League he may be either "a sanitary engineer or a member of the medical profession." The

duties of the health officer are growing to be so specialized that his calling is now recognized as a distinct profession and men are being trained for the work through a curriculum quite distinct from that which is provided for the medical practitioner. In the smaller cities a man may be both city physician and health officer, but when the population reaches 50,000 the employment of a specially trained health officer will be found advantageous.

The importance of conserving the public health, and the financial loss incurred by a community by reason of preventable sickness and death are now so well understood that the administration of the health office has become of prime importance. The chief business of the health officer and his assistants is to prevent and control infectious and contagious diseases, to prevent the sale of contaminated and unwholesome foods, to supervise the production and distribution of the milk supply, to abate nuisances and to have control of general sanitation throughout the city. He should have charge of city isolation hospitals and the gathering of vital statistics. Garbage collection and disposal are proper activities of the health department, though this work is often placed in the department of public works or utilities.

**Markets.**—In most American cities the buying and selling of merchandise is not considered a proper activity of government, but in nearly all of them some facilities and inducements for closer contact between producer and consumer are supplied by the municipality. This is usually confined to providing market houses or

setting aside street areas or other public places where the produce of near-by truck farms and market gardens may be exposed for sale. Most cities confine themselves in this matter to furnishing shelter, renting stalls or spaces, and maintaining order and cleanliness among the merchants and patrons of the market. In some public markets there is no restriction as to the sources of the merchandise offered; it may come from near or far, may be perishable or stable, may be offered for sale by producer, dealer or commission merchant. In others the marketing is confined to producers of the vicinity and restricted to the produce of their own farms and gardens.

The city is represented by a market master whose business it is to collect the rentals, maintain order, enforce cleanliness and sanitation and compel observance of such rules as the city council may establish for the market. If the market is restricted to home produce, he must see that it is confined to that use and not allowed to become a dumping place for outside products. Farmers and truck raisers of the vicinity usually feel that they are entitled to a preference over outsiders in the use of the local markets, and city councils are likely to recognize this claim. Cold storage facilities are sometimes provided and in rare instances city authorities have themselves undertaken the buying and selling of farm and food products and fuel. Very few American cities have the legal right to carry on such undertakings and it is not often done excepting in times of stress, when the needs of the people are pressing and

the local retail prices are higher than are justified by a reasonable margin above producers' cost.

**Police Courts.**—The judicial authority of the American city is not great, as most of the law courts in cities are a part of the general judicial system of the state and governed by state constitutions and laws. Charters ordinarily contain few provisions regarding them. The Cleveland charter makes the Director of Law the prosecutor in the municipal court; the Kalamazoo charter recites that the state laws shall apply. The Sacramento charter provides for the organization of the court by the appointment of a police judge by the city council, prescribing his qualifications and duties and outlining the jurisdiction of the court. In the larger cities the municipal courts are often subdivided and specialized, usually under special acts of legislatures, and there are now in operation night courts, children's courts and courts of domestic relations.

These specialized courts are performing a most useful service in response to the growing realization that the prevention of crime, the settlement of trivial disputes without formal legal action, and the reform of potential criminals and juvenile offenders is a greater service to society than the fining or incarceration of convicted offenders. Police judges are useful officials not so much because of their knowledge of the law as because of their knowledge of human nature and their ability to intercept criminal tendencies and start the unruly and turbulent upon less unsocial paths. A growing knowledge of social responsibility and the menace

to character of congenital tendency and unwholesome environment has greatly modified and benefited our treatment of offenders. A prosecutor or police judge is not now so proud of the proportion of convictions as of the number of the wayward and unruly who have been put in the way of right living.

Probation officers are a necessary part of police court organization, and their usefulness to the community, like that of police judges, depends largely upon their broad knowledge of human nature and their sympathy with its lapses from right conduct. A good probation officer will keep large numbers of cases out of the police court, thereby saving the city the cost of such actions and helping the quarrelsome and wayward to decent and self-respecting citizenship.

**Recreational Activities.**—Recognition of the normal requirement of recreation for adults as well as children finds its expression in an increasing demand for public parks, playgrounds and facilities for wholesome sport and exercise. Parks and playgrounds are usually administered by a board whose members are sometimes elected but more often appointed by the mayor or the city council. Its members are usually unpaid, they have long terms and their terms overlap. A common condition is a board of ten members, with ten-year terms, one member appointed each year. Funds for their use may be either taxes levied by the board, proceeds of bond issues voted by the people, or a sum determined and supplied by the city council from the public revenues. Charters sometimes fix a definite an-

nual tax levy for their support. In some states park boards are created and given authority under state laws; they are practically independent of city authorities, and such boards frequently have authority over territory which is outside of the city's boundaries.

Modern cities are not satisfied with park and playground areas amounting to less than an acre for each one hundred inhabitants, nor unless some recreational facilities are within easy reach of all their people. Those who indulge in games and sports are supplied with baseball grounds, tennis courts, golf links and swimming pools. There is usually a plot set aside for camping by automobile tourists with facilities for cooking, comfort and cleanliness, supplied with water and fuel. Wading pools, drinking fountains and refreshment stands add to the inducements for public patronage.

A boulevard system consisting of drives through the parks and broad thoroughfares connecting them and traversing other places of scenic attractiveness, is usually a part of the park system. More attention is being given than ever before to the wholesome use of the hours of leisure and to the attractive embellishment of the city for the benefit of its people and the effect upon the casual visitor. Supervised play under competent leadership and available to all the children of the city has become a normal and common administrative function of the American city.

**Charities.**—Under a modern city charter the city's charities as well as its correctional institutions and agencies are administered by a department of public

welfare, under a commissioner or a director. Spokane has a charity commission created by ordinance, the members of which are appointed by the mayor and serve without pay. This commission inspects the various institutions for charitable aid, such as orphans' homes, day nurseries and the like, to which city funds are contributed, and recommends to the city council the division of its charity appropriation among them on the basis of their need and their usefulness. Their management is scrutinized and their books audited. The function of the commission is purely advisory, but its work is very valuable in saving the time of the city officials, relieving them of considerable responsibility and exercising a sympathetic oversight of the city's charities by a board, the members of which are selected for their knowledge of such work and their devotion to it.

Charitable institutions are usually founded and carried on through churches or other voluntary organizations and are often insufficiently financed. The care of the unfortunate victims of accident, disease and broken homes is a proper public responsibility and while the city government may well leave it in private hands as to management, the supervision of some official agency and the appropriation of city funds when urgently needed are a duty of the government.

**Employment Agencies.**—Free employment agencies are now common in progressive cities and serve a useful and proper purpose. They not only serve a purpose which is not well cared for by private agencies, namely, the supplying of men and

women for and with short jobs, but they also give the opportunity for employment to many needy workers who cannot afford to pay the fees which the private agencies charge. The whole employment situation could be served by a proper cooperation between the national labor agencies established in many cities by the United States Department of Labor, and the local city labor offices. Private labor agencies are a frequent source of complaint to city officials. They should be licensed by the city and it should be the duty of the city labor agent to keep close watch of them to see that their patrons, often ignorant and helpless immigrants, are not imposed upon by unjust and unscrupulous management.

Collusion with job foremen by labor agents is a too common practice. The laborer pays his fee, is sent to the job, given a few days' work, and discharged to make room for another man who has paid another fee; and the fees are divided between the labor agent and the foreman. Summary cancellation of a labor agent's license to do business is a proper penalty for such an offense. City governments are beginning to understand that people are as important as things; that a community must develop and care for the welfare of its inhabitants as well as for their property and physical safety.

**Public Utilities.**—A municipal public utility may be defined as a business organized to supply the community with some commodity or service in large or general demand, which requires a franchise for the



use of the streets for its permanent structures. Public utilities are the chief conveniences of modern city life and one of the most important features of city administration, which is charged with the duty of their management, supervision or control. The most important city utilities are those which furnish water, gas, electric current, telephones and street transportation, and to these five undertakings our consideration will be confined. Of these, the public water supply is the only ancient member; gas was introduced for public lighting less than one hundred years ago, street railways much later, and electric lighting and telephones came in comparatively recent years. The city government's responsibility is to see that the use of the streets for their normal purposes of transportation and access is not interfered with unnecessarily, that the service rendered by the utilities is adequate and satisfactory and that the rates charged for that service are just and reasonable.

**Public Ownership of Utilities.**—The question of public ownership is an important one in nearly every American city, and in many cities it is the chief issue in municipal elections. This is largely due to the too common practice of utility corporations, of corrupting city governments in order to maintain their hold and increase their profits. The people of many cities believe, justly or unjustly, that the utility corporations are charging too high rates, giving too little service and using means for maintaining their hold on the city which corrupt city officials and infect the whole body of city government. Advocates of public ownership

argue that the policy of public utilities should be based upon service rather than profit; that better service and better government will result from the elimination of utility influence on city officials; that the people should have a more direct control over these services which are so essential to city life; and that thousands of successful publicly owned and operated utilities demonstrate the feasibility and advantage of this plan.

Its opponents contend that government should not interfere with business; that a political organization is unfitted to take responsibilities of operation and management; that labor is more efficient under private control; that public indebtedness should not be increased for the purpose of financing utilities; that success is impossible when management must change with changing political administrations; and they furnish many examples of the decay and failure of municipal utility undertakings. It is true that frequent changes in authority for political reasons will ruin any business undertaking. The man who has worked for a private corporation three or four years and has shown industry and ability can have his job as long as he makes good or as long as the company needs his services; while the man who has worked for the public a few years in a position of authority and responsibility and has made a record of faithful and intelligent service is, if he be an elected official, likely to be dismissed at the next election by the force of private greed or petty vengeance for some real or fancied personal grievance, and the new man put into his place, no matter how high his character

and capacity may be, must study his work for months before he can become proficient in it.

It seems certain that a city which is unable to maintain an honest and capable government should avoid the responsibilities of public utility ownership, but it seems equally true that a city which has demonstrated its ability to conduct its purely governmental business with honesty, efficiency and intelligence may undertake the ownership and management of its public utilities with confidence.

**Public Utility Franchises.**—Modern city charters devote much attention to the granting of utility franchises. The Kalamazoo charter provides that an ordinance granting or amending a franchise “shall not become effective until it shall have:

“(a) Been passed by the city committee.

“(b) Been unconditionally accepted in writing by the grantee.

“(c) Been published in full, together with the grantee’s acceptance, in a daily newspaper of the city, at least once a week for five consecutive weeks, the last insertion to be made within the week immediately preceding the date of the popular vote.

“(d) Received the affirmative vote of three-fifths of the electors of said city, voting thereon at a regular or special election.” The Cleveland charter gives the city council the right of granting franchises, subject to the general referendum section, with a few detailed provisions which are not mandatory. “It may prescribe in the ordinance the kind and quality of service or prod-

uct to be furnished, the rate or rates to be charged therefor, the manner in which the streets and public grounds shall be used and occupied, and any other terms and conditions conducive to the public interest." It provides that all grants and renewals of franchises "shall reserve to the city the right to terminate the same and purchase all the property of the utility in the streets and highways \* \* \* at a price either fixed in the ordinance or to be fixed in the manner provided by the ordinance."

The Sacramento charter provisions concerning franchises contain thirty-six sections and cover thirteen pages of closely printed matter. The charter requires a formal application in specified form, and goes into much detail as to the provisions which the franchise must contain. It provides for competitive bidding for all new franchises excepting those for interurban or steam railroads; that "any person, having made the necessary deposit (as a guarantee of good faith) may submit an offer or bid, or offers or bids in writing for the said franchise upon terms which he deems of better advantage to the city than the terms of the said application." No franchise ordinance goes into effect within sixty days from its passage by the council, and all such ordinances are subject to the general referendum provisions of the charter.

Public utility franchises are no longer granted, as they have been in the past, in perpetuity, or for nine hundred and ninety-nine years, as was the street railway franchise in Poughkeepsie, N. Y. Terms are usually

short, not often longer than thirty years, and there is generally a provision for the purchase of the property for the city during the life of the grant. A few indeterminate utility franchises have been granted, but they always make provision for public ownership when the city elects to undertake it.

**Municipal Water Works.**—Most opponents of public ownership of utilities concede its propriety in the control of water supply. Not that they admit that the business as a business can be so well carried on under public as under private control, but because the water supply of a city is so vital to the health of the community that its cost is a secondary consideration. The chief requirements of the city water supply are purity, sufficient quantity, and continuity of supply. In the older sections of the country where population is congested, where cities are close together and use the rivers and lakes as outlets for their sewers, it has become very difficult to obtain pure water in sufficient quantity to supply the needs of a city. Our larger cities have expended millions to buy watersheds, to protect their waters from contamination and to bring them long distances to the point of use; and millions more will be required as population grows.

Water of natural purity is always preferable for a city supply, but if this cannot be obtained the water must be purified by settling, filtration or chemical treatment before it is distributed to its consumers, and such treatment is now general in those cities which are forced to obtain their water from contaminated sources. The

death rate in cities often bears a direct relation to the character of their water supply. The average daily consumption of water in American cities is a little less than one hundred gallons per capita, but in some cities, particularly in those in which much irrigation of lawns is required, it reaches three hundred gallons or even more in the hot months, and every city water works should be able to supply the maximum demand at all times. Failure to do this, to keep the consumer supplied at the point of use with water under proper pressure, may be either from insufficient quantity or from an inadequate system of transmission and distribution.

Water mains should be of sufficient size and should be kept internally clean and free from leaks. Waste of water should be curtailed by the close inspection and repair of distributing mains and service pipes, and by the installation of meters on all services. It is impossible to curb water waste when water is sold on a flat rate, and the careful consumer should not be obliged to pay for the wastefulness of his careless neighbor. While the most important requirement of a city water supply is to furnish pure water for household use, its adequate administration includes the duty of furnishing water for fire fighting, street cleaning, sewer flushing and for industrial and manufacturing uses. Insurance rates will be lower if the water supply is constant and adequate, not only for use from street hydrants in the case of fires, but for the supply of the automatic sprinkler sys-

terms which are now installed in many business and manufacturing establishments.

**Gas Works.**—There are few publicly owned gas works in the United States, so that the administrative duties of the city government in regard to this utility are ordinarily confined to such supervision of private plants as is possible under the law, and the enforcement of the contract obligations of the franchise. The older franchises were weak in service requirements, and such as were included usually referred to the use of gas as an illuminant when used in open burners. Since the introduction of electric lighting, gas has been gradually relegated to uses in which its quality and value depend upon its heating power, and older franchise requirements have become obsolete. Gas lighting by use of the incandescent mantle has superseded its use in open burners, and in this use its efficiency depends entirely upon its heating power, rather than its "candle power." Modern franchises usually specify that gas is to be furnished having a certain number of heat units in each cubic foot, that its pressure must be held constant within certain limits and that it must contain a minimum of sulphur, which is injurious to household furnishings and appliances.

The city chemist is a valuable ally to the administrative official in the supervision of gas supply. His laboratory should be equipped to test the calorific power of gas, to determine the percentage of deleterious substances present and to test the accuracy of the meters by which it is measured out to consumers. Where

there are no franchise requirements of suitable standards they may be fixed by city ordinance or by the service regulations of state public service commissions. Many disputes between consumers and the gas company regarding the amount of gas bills can be comfortably adjusted by means of a provision whereby the city official in charge shall test a gas meter upon request of a consumer, charging a fee for the test which is paid by the consumer if the meter registers in his favor or by the company if the meter registers against the consumer, and making an adjustment of the bill on the basis of the error found in the meter.

**Electric Light and Power.**—In the early history of electric lighting, as in all the municipal utilities excepting water supply, the business was carried on under private ownership and operation. Now municipally owned plants are common and public officials administer them in many cities. More cities would own and operate their electric plants if they had legal authority to do so, and if they were not restricted in their ability to finance them by constitutional and statutory prohibitions which prevent the borrowing of money for such purposes. Modern charters usually specify, in the enumeration of the city's powers, the right to own and operate lighting plants of all kinds, but legislatures are inclined to discourage such undertakings and can easily prevent them. Most cities are now so close to their limit of borrowing power that the large capital necessary to buy or build a lighting plant is beyond their reach.

The broad administrative duty of city officials in the



management and supervision of electric light and power utilities, publicly or privately owned, is to see that the citizens are given good service at reasonable cost, and that the normal use of the streets is not infringed by the structures and operations of the utility. Good service not only requires stability and continuity of current supply, but also embraces a prompt readiness to attend to the needs, troubles and complaints of the consumers. The good will of its patrons is a most valuable asset to any utility, public or private. Poles in the streets are always objectionable but are tolerated in most cities because of the cost of underground conduits. They should not be allowed to obstruct traffic in business districts nor to mar the beauty of parks and boulevards.

**Telephones.**—The use of the city streets by the telephone companies is usually granted by city franchise ordinances and is regulated by administrative officials, but the business is of such wide scope and universal use that its regulation comes properly under the broader authority of state and national government. State public service commissions in most states have this responsibility, being usually charged with the duty of regulating both the character of the service and the rates charged. In some cities telephone franchises contain rate schedules as well as conditions under which the streets are used, but such contracts have not been held valid as to rates when the state's authority of regulation has been invoked.

Some cities have allowed competitive telephone sys-

tems to operate, but the disadvantages of such duplication are so obvious that consolidations and purchase of one system by the other have been encouraged and brought about. The telephone service is so patently a natural monopoly, duplication involves such unnecessary cost to a community and such detriment by reason of additional poles and conduits in the streets, that it is no longer considered allowable in our cities. Competition in such a business is always detrimental to the public interest in the long run. If public ownership is to come, it is properly a function of the national government rather than of a municipality. Telephone and telegraph communication are now as much public necessities as is the carrying of the mails.

**Street Transportation.**—The most vexing problem of public administration in most American cities today, is that of adequate local transportation. This condition has been brought about primarily by the coming of the automobile, and secondarily by the decline in the value of the nickel, for many years since the inception of the street railway business the measure of local fare. The automobile now furnishes local transport for many who formerly used the street cars and has also developed into a strong competitor as a means of public transportation. In the years following the World War the purchasing power of the five-cent piece in relation to the labor and supplies required to conduct the street railway business decreased by one-half, the street cars failed to yield enough revenue to meet the requirements of operation, maintenance and capital earnings, and many

operating companies were forced into bankruptcy. City governments and state commissions have allowed advanced fares in many cities, but patronage generally decreases to some extent as fares advance, and the doubled fare which was allowed in many cities has frequently failed to meet the requirements of the operators.

Cheap and adequate urban transportation is vital to modern city life. Depending upon it, the suburbs have become populated by those who were able to buy the cheaper lands and homes far from business centers, but who could not own homes within walking distance of their employment. Without cheap transportation many of them would be forced to live in tenements in densely populated districts and to submit to living conditions which are unwholesome as well as undesirable for themselves and their families. If cheap transportation is no longer possible, they must leave their pleasant homes in the outlying districts and seek places to live nearer their work. This condition means an inevitable decay in citizenship and a severe and permanent injury to the city as a whole.

Public officials may well be concerned as to the solution of this distressing problem. If the street railway, reinforced in the larger cities by the subways and the elevated railways, is to meet the needs of growing business and increasing populations, it must have an income sufficient to maintain itself and to make extensions as the need arises. If the future method of urban transportation is destined to be upon rubber-tired vehicles,

then the cities must be prepared for the transition and to take care of the public requirements as the change proceeds. It is a public duty to provide fair earnings for the street railways so long as they are necessary, so long as their operation is so vital to the public welfare. Public ownership of street railways has many advocates, not only among those who regard the importance of adequate transportation to civic welfare as justification for the public assumption of the risks and burdens of their operation, but also among the management and stockholders of the private corporations engaged in the business, who see in this movement a way of salvaging the investment. The "service at cost" franchise, now in operation in several cities, is regarded by many as a step toward public ownership. It gives the city government a part in management, and guarantees fair earnings upon a property valuation fixed in the franchise, which valuation is also a basis for the sale of the property to the city whenever the city elects to take it over and operate it as a municipal undertaking.

**Utility Rates.**—The administration of public utilities, both publicly and privately owned, demands upon the part of public officials a knowledge of rates and rate-making, familiarity with the fundamental principles upon which rates are based, and a great measure of judgment and common sense. The policy of a publicly owned utility should be to furnish the best possible service at the lowest possible rates, and to conduct the business in the interest of its patrons. It should fully pay its own way but it should not be called upon to con-

tribute unpaid service or surplus earnings to the general taxpayer or to other departments. Any other course is in effect a special tax upon consumers of its service as such, and in proportion to their usage of the utility, for the benefit of the public funds. The same principles apply to private ownership, with the further requirement of economical operation and reasonable earnings on invested capital. Franchise taxes, excessive charges for the use of bridges and other public property, or unjust paving requirements should not be demanded, for every such charge is reflected in the rates which the patrons pay.

A publicly owned utility may use any surplus earnings for retiring debt obligations, and when any portion of its debt is paid, that part will no longer be a capital obligation. Or it may use its surplus to make extensions, the earnings of which will benefit other patrons and increase the value of the plant. The total earnings must be sufficient to pay interest on borrowed capital, to cover operation, repairs and maintenance, to provide a proper depreciation reserve and a sinking fund in anticipation of debt maturities. All these requirements influence rates, for the total income must be sufficient to meet them. When the sum of the required earnings is known, the rates must be adjusted to produce the amount by dividing the burden among the consumers of the service with as near an approach to equity and justice as is possible.

Absolute justice is unattainable in rate-making, but that is no excuse for failure to attempt its accomplish-

ment. "All that the traffic will bear" is no longer an acceptable principle in rate-making; the charge for a particular service must be closely based upon the cost of that service, with frequent exceptions in which justice may yield to expediency. For example, take a hilly city where water is supplied by pumping. The cost of pumping water depends considerably upon the height to which it is elevated, but it is not expedient to charge the consumer located on the hilltop more than the one in the valley. The cost of carrying a passenger on a street car depends largely upon the distance he rides, but American cities find it expedient to charge him the same fare whether he rides three blocks or ten miles.

## CHAPTER VIII

### MUNICIPAL FINANCE

Large amounts of money are required to carry on the government, and the question of how this money shall be raised is a very vital one in every city, as well as in the state and the nation. On the one hand we have the needs and demands of efficient administration and the financial obligations incurred in the past, and on the other the constant complaint against the burdens of taxation and the plea for their reduction. We cannot afford to advocate a destructive policy of public administration by lowering the public expenditures below the point where they will yield useful and efficient city government. Taxes rise because we expect more from our government than ever before. The regulation of public utilities, better sanitation, food inspection, better paving, lighting and sewers, mothers' pensions, better roads, medical and dental care for the children, isolation and emergency hospitals, supervised playgrounds, justice in industrial accidents, better schools and libraries, all cost more; but they return more to us in better lives, more joy in living and greater safety to our persons and our property.

If we pay less for schools and the care of children, we pay more for jails and corrective measures; if we

pay less for sanitation, we must bear more cost for sickness and death. Economy, public or private, does not consist in denying ourselves any good thing which we want and are able to pay for. It does consist in getting a dollar's worth of service for every dollar expended. What can we do, within the limits of our reasonable ability, to make our city a better place to live in? We must have a healthy city and we cannot afford to wait for our cleaning up until the coming of some fatal epidemic. Most cities spend too little upon the preservation of the public health; it is the last department in which expenditures should be cut in times of financial stress.

**Sources of Revenue.**—General municipal revenues come principally from the direct property tax, levied in proportion to the estimated cash value of the property, both real and personal. Lesser revenue results from poll taxes, franchise taxes, licenses and inspection fees. Court fines and penalties add a small amount. The cost of public improvements which are an immediate benefit to a section or district of the city is frequently met by assessment against the particular property benefited by the improvement. Real and personal property is usually assessed and its value determined by state authority, and the value so found is the basis of the tax levies of the various authorities which have the taxing power, which is always a delegation of the police power of the state. The common tendency is to multiply the agencies which have the power to levy taxes. Chicago has twenty-four separate



taxing authorities, consisting of county, city, sanitary district, forest preserve district, board of education, library board, tuberculosis sanatorium and seventeen park commissions. Multnomah County, Oregon, which contains the city of Portland, has eighty-odd taxing authorities, including townships and school districts. Nine of them overlap in the city itself.

The justice of the common methods used in American cities for raising public revenue has often been questioned, and while state laws and constitutional provisions usually prevent any radical departure from common practice, several interesting experiments have been made. Pittsburgh has exempted personal property from city taxation, including stocks of merchandise, the tools and equipment of manufacturing plants, and goods in the process of manufacture, and has arranged a reduction in the tax rate for buildings and improvements upon realty of ten per cent every three years, until the rate is reduced to one-half of that placed upon land. This is an application of the "single tax" or "site value" theory, which, while comparatively new in this country, has been used for many years in the cities of Western Canada. Any proposed or attempted plan of more equitable distribution of the burdens of taxation is entitled to the unprejudiced study of forward-looking citizens everywhere. The evils and injustices of our present system are unquestionable.

The amount of taxes to be levied to meet any year's municipal expenditures is a matter of judgment as to the city's needs on the part of the city officials, subject

to such limitations as the constitution, statutes or charter may fix. There is always considerable pressure brought to bear in both directions, and ordinarily more attention on the part of the public is centered at the city hall at the time of determining the tax levy than at any other time of the year. Heads of departments, knowing the usual attitude of the city council and the heavy taxpayers, generally ask for more money than they expect to receive. Citizens who are interested in specific activities or measures are present in force, trying to get extra appropriations for their hobbies. Others, usually representing the heavy taxpayers, are urging cuts in the estimates, arguing against every proposed increase, demanding closer economy, using every means and argument to keep taxes at the lowest point, often ignorant of the needs and regardless of the welfare of any other class of citizens but their own. Between these fires the members of the city council tread a dangerous and uncertain path, knowing that criticism and condemnation will be their lot regardless of their decisions.

**Licenses.**—Until the adoption of prohibition of the liquor traffic, saloon licenses were a source of considerable public revenue. There is no doubt that the open saloon, in its influence upon social and political conditions, did vastly more public damage than its contribution to public revenue could compensate for, but its abolishment placed an immediate and serious financial burden upon city officials, particularly in those cities which were under a state limitation of the tax levy and public debt, and in order to avoid insolvency many of

them have been forced to place new or larger licenses upon mercantile and industrial undertakings. This practice is to be deplored as an added burden upon business and industry, already heavily taxed in many ways, directly and indirectly. Such business as pawn-brokers, short-time loan offices, dance halls, pool rooms, labor agencies and the like, which call for close supervision and entail public expense for inspection and police surveillance, should be licensed, not only for the revenue produced, but in order that the city council may have the power, through cancellation of licenses, to regulate and control them.

**Franchise Revenues.**—Franchise taxes are illogical and unjust as being a contribution to the general public by patrons of a utility in proportion to their usage of its service. They are not only unjust but are also a confession of weakness. The franchise tax was invented at a time when we had no means of regulating or even knowing the earnings of public utility corporations and felt that as they were probably excessive we would take a portion of them for the public. We had no access to their books of accounts, hence we based our demands upon gross revenues or some such arbitrary and unscientific standard. But now, with the means of regulation of both earnings and service which we possess in city oversight and the various regulative commissions, we should abolish all franchise taxes, and if any benefit is to accrue to the public from this source let it be in the form of lower rates or better service to the users of the various utilities. We can stop destruc-

tive competition and the attacks of venial legislators and can demand and enforce common justice in most cases if we can determine what common justice is.

**Inspection Fees.**—Fees for the inspection and regulation, under the city's protective ordinances, of building construction, plumbing, gas and water connections and installations, elevators, weights and measures and the like are common if inconsiderable sources of revenue in most cities. The common practice is to attempt to set the fees charged at an amount which will about cover the cost to the city of the services of inspectors and maintenance of the departments. These inspections are made for the primary purpose of protecting the public, and any benefit which accrues to the individual is incidental. In some cases it may be necessary to protect him from the consequences of his own carelessness or his false notion of economy, but the chief end of such work is always the protection of society, that is, of all of us. It therefore seems just and reasonable that all of us should pay the cost of these services.

**Local Assessments.**—Improvements of local use and benefit may, in most cities, be ordered and made by authority of the city council, and their cost, in whole or in part, assessed against the property benefited by the improvement. State laws often define the authority and the procedure in such matters and limit the extent of the application of this method of financing public improvements, but the details are usually prescribed by city charters and ordinances. The Cleveland charter

gives to the city council the power to "provide for the construction, reconstruction, repair and maintenance by contract or directly by the employment of labor, of all things in the nature of local improvements, and to provide for the payment of any part of the cost of any such improvement by levying and collecting special assessments upon abutting, adjacent and contiguous or other specially benefited property." This method of raising money for city improvements is generally approved and adopted not only because of its inherent justice but also because it permits needed improvements to be made which could not be made if they must be paid for from general taxation; many of our cities which are limited in their tax levies and borrowing capacity could not raise the money.

This method is used for opening, widening, grading, paving and lighting streets, for building sewers and, in some cities, for laying water mains. Street sprinkling and the care of shade trees in the streets may sometimes be financed in this way. The procedure varies to some extent but is essentially as follows: The city council by resolution authorizes the improvement and directs the city engineer to prepare plans and specifications. The council decides what portion of the cost is to be assessed against the property benefited and directs that a preliminary assessment roll be made, based upon the engineer's estimate of cost. The date is set for a public hearing, and notices of the proposed improvement and the hearing are posted in the vicinity or mailed to the property owners. At the hearing any interested citizen

can examine the plans and specifications and can find out approximately what the assessment will be on any lot or parcel of land. After listening to the wishes, approval or objections of property owners, if the council determines to go ahead with the work, it approves the plans, decides whether the work shall be done by day labor or contract, and if the latter, directs that bids be solicited and sets the date at which they shall be received and opened by the council in public session. When a bid is accepted and a contract made, the cost of the improvement is definitely ascertained and the final assessment roll is made and approved by ordinance. Such assessments are usually made payable in five or ten annual instalments with low interest on deferred payments.

The contractor is often paid in bonds issued against the district, and a lien upon the property which is assessed. These bonds are not usually guaranteed by the city, but the city treasurer acts as agent for the bondholders, collects the assessments, and calls the bonds for payment when there is sufficient money in the special fund which the council has established for this purpose. City councils have wide authority in ordering improvements which are to be paid for by direct taxation or by bond issues against the general credit of the city, but unless they are restricted in local assessment improvements there is a possibility of piling up assessments for several purposes against a property until it is overwhelmed and its owners unable to pay. Spokane limits the assessment on a special district for a single

improvement to fifty per cent of the assessed valuation (which in that city is about half of the real value of the property) and limits the total unpaid assessments for all special improvements to sixty-five per cent of assessed valuation. A further prohibition is that no such improvement excepting a sewer can be made if the owners of three-fourths of the property to be assessed file a written protest against it. A fund has been established into which go all overpayments, penalties and surpluses from all local improvement districts, and this, in addition to the above-noted restrictions surrounding the making of improvements by local assessment, constitutes an effective guarantee of the bonds, so that the contractor may find a ready market for them.

Sound judgment should dictate the policy of the city council in making these local assessments, in order to place the burden of cost where it justly belongs. A new street or pavement will be a benefit to the abutting property, but it will also be of advantage to the whole city. A sewer cannot be used by people outside of the district where it is laid, but every section of the city which becomes properly drained is of decided benefit to every citizen in elevating the general standard of sanitation. The pavement of a street which is a connection with an arterial country highway is of more advantage to the city as a whole than to the people living on the street. In improving a city street the best practice is to place a portion of the cost, say that of improving the intersections, upon the city as a whole and the remainder of it upon the owners of the contiguous

property, extending back in decreasing ratio to the middle of the block. For an arterial road connection half the cost may be properly assessed to the abutting property and the remainder be paid by the city or the county, or jointly by both.

**Municipal Debt.**—An honest man will not contract a debt without careful consideration of the time when it will become due and the means whereby it is to be paid, but cities are not often so consistent or careful. The easy way is to get the money, spend it, and leave to future officials and citizens the legacy of its repayment. And that city is fortunate whose bonded debt represents money carefully spent for judicious purposes. New and rapidly growing cities often need improvements, the cost of which cannot and should not be borne by immediate tax levies. It is fair that the cost of permanent improvements should be distributed over future years, but it is a mistake to extend payments beyond a reasonable estimate of the life of the improvement, or to issue bonds for any purpose without making such provision for their retirement as cannot be escaped or neglected by future governments.

The old practice of issuing municipal bonds for a stated period, all maturing at the close of the term, is now pretty generally condemned. Even though ordinances authorizing such issues usually contained some provisions for sinking funds to meet payments at maturity, these provisions were often vague and easily avoided by public officials under the pressure of more immediate needs and uses for money and conscious of



the probability that when the time came for repayment some one else would be in office and be responsible. The modern method is to issue serial bonds payable at annual intervals during their term, with payments of principal and interest so arranged as to make the annual payments fairly uniform, either beginning at the time of issue or a few years thereafter and continuing until the debt is fully paid. The Model Charter of the National Municipal League contains this excellent provision: "Every issue of bonds shall be payable within a term of years, not to exceed the estimated period of utility of the improvement for which they are issued, and in no case to exceed thirty years; and shall be payable in equal annual serial instalments, including principal and interest. Every ordinance for the issue of bonds shall provide for a tax levy for each year to meet the annual serial instalments of principal and interest, and such amounts shall be included in the tax levy for each year." In a footnote to this provision it is stated that "in cities where subways and other improvements of extraordinary cost and permanency may be needed, this period may be extended to fifty years."

Floating warrant debt and short-time borrowing in anticipation of tax receipts to meet current expenditures should always be avoided. Cities should be upon a cash basis, with sufficient ready money to take advantage of low prices in buying supplies and to profit by the cash discounts which prevail in commercial transactions. The Sacramento charter provides for a "permanent revolving fund . . . known as the cash basis

fund, for the purpose of keeping the payment of the running expenses of the city on a cash basis," requiring that this fund "shall be maintained in an amount sufficient to meet all legal demands against the treasury for the first four months or other necessary periods of the succeeding fiscal year."

**The Budget.**—The budget system is now in use in most American cities. When the city council is considering the appropriations for the coming fiscal year preparatory to fixing the annual tax levy, it should have for its guidance a tabulated statement of past and present expenditures, together with a detailed estimate of the needs for the coming year, prepared by the executive officials. A list of employees and their salaries should accompany this estimate, together with an estimate by the financial official of all sources of income and all debt obligations for the coming year. The Dayton charter requires the city manager to furnish the city commission, sixty days before the beginning of the fiscal year, the following information:

"(a) A detailed estimate of the expense of conducting each department as submitted by the department.

"(b) Expenditures for corresponding items for the last two fiscal years.

"(c) Expenditures for corresponding items for the current fiscal year, including assessments due to transfers between appropriations plus an estimate of expenditure necessary to complete the current fiscal year.

“(d) Amount of supplies and materials on hand at the date of the preparation of the invoice.

“(e) Increase or decrease of requests compared with the corresponding appropriations for the current year.

“(f) Such other information as is required by the commission or that the city manager may deem it advisable to submit.

“(g) The recommendation of the city manager as to the amounts to be appropriated with reason therefor in such detail as the commission may direct.”

The budget is finally fixed by the city commission after public hearings are held and after it is published for ten days, and the commission is prohibited from incurring any obligations for the expenditure of money except pursuant to the appropriations authorized in the budget, excepting that unincumbered balances may be transferred from one fund to another to meet “a purpose or object for which the appropriation for the current year has proved insufficient.”

## CHAPTER IX

### OBLIGATIONS OF CITIZENSHIP

We have seen that good city government is the product of three principal factors, namely, good tools, good men in public office, and a continuing interest in public affairs on the part of the citizens. Good charters, good laws and good officials will work wonders, but no government will reach its highest attainment without public support and guidance, constantly available and frequently expressed. Our government will reflect our own attitude toward it. If we are content to abandon it as soon as election is over; if we allow our interest to lapse after we have cast our votes; if, indeed, we neglect even the simple duty of expression of our desires and preferences at the polls, we cannot and must not expect satisfactory administration of our public affairs, or responsiveness on the part of our officials to the changing and continuous responsibilities and requirements of municipal life. The public affairs of our city are our collective business and as such are more important than any citizen's individual business, but there are so many of us that as individuals we are inclined to regard our part in the public business as inconsequential and unimportant.

The prime obligation of citizenship is the development of a feeling of personal responsibility in public affairs, a responsibility that will compel us to think and to act in civic matters. Society is not a vague and formless mass; it is an entity of which you and I and the neighbors in our block are essential parts, and in the movements of which we are vitally interested. If we would reform society, we must begin with ourselves. Robert Louis Stevenson says: "There is an idea abroad among moral people that they should make their neighbors good. One person I have to make good—myself." A sense of individual responsibility comes through an understanding of the consequences of individual neglect, and a desire for service to the community. Such understanding and desire must develop an ideal of personal conduct and activity in public affairs and point the way to civic duty.

Lord Bryce, in a course of lectures at Yale University which were later published under the title "Hindrances to Good Citizenship," classified the reasons for our civic failures under three heads, namely, indolence, private self-interest, and party spirit. The first two are common vices which undermine character and cast the shadow of their evil influence over all human relationships; the last applies particularly to political concerns. Indolence keeps us from thinking as well as from acting. It causes us to avoid forming ideals of life and conduct and prevents the expression of such ideals as we may develop. An ideal in itself may be a beautiful dream, but it is of little use until it is worked out in terms of life

and conduct. Through indolence we postpone and neglect our civic obligations and thereby often allow a minority consisting of those with a selfish or mercenary interest in politics to control government; and there are such groups in every city, ready to take control if honest and respectable citizens are too indolent to perform their public duties. Through indolence we avoid the study of that very important human association, our relationship to government. We neglect the thought of what we can and should expect of our public officials, and the means whereby the best results may be obtained.

Through private self-interest we seek special privilege in governmental matters. We ask those favors and abatements which we know cannot be granted without damage or injustice to others, and to which we are not properly or honestly entitled. We avoid the broader view that what is good for the people of the city is the best for us as individuals, and that service to others is the only real means of accomplishing our own happiness and well-being. One of the discouraging features of holding public office is the discovery of the considerable number of citizens, otherwise honest, who think it no wrong to cheat and take advantage of the city. Stealing a few thousand gallons of water will not make a great annual deficit in the water revenues and has never been known to land the culprit in jail; the evil effect is upon the thief, not in any possible punishment for the offense, but in the lowering of the moral tone of the citizen. No man can respect himself who knows,

deep down in his heart, that he is a thief, and self-respect is a preliminary to all good citizenship.

Party spirit, in the sense that it is one of the chief hindrances to good citizenship, is that adherence to a political party which overlooks the importance of measures and men and follows blindly the leadership of the party. National political parties, as such, have no proper place in municipal affairs, and many of our smaller cities have recognized this fact in the abolition of party caucuses, conventions and the use of party emblems in municipal elections. Loyalty to a party emblem, pride in belonging to a party organization, personal adherence to party leaders, may be of value in national elections, if, as many believe, national parties are necessary in a democracy, but in our local governmental affairs, where local measures and local men are of the greatest importance, that party spirit which allows the voter to be unerringly placed in the party pigeonhole, is a detriment to good government.

It is a slow process to learn to think for ourselves. It is so much easier to take our opinions ready-made from the party leader, the propagandist or the newspaper. Understanding the indolence, selfishness and party spirit of such a large element of our citizenship, the agencies organized for selfish propaganda grow larger every year and the country is flooded with special pleas for selfish interests. Expensive organizations are maintained in Washington and elsewhere for the sole purpose of disseminating one-sided views promoting selfish schemes; lecturers, authors and newspapers sell

themselves to this unpatriotic and unwholesome effort to mould public opinion to base purposes. There never has been a time when the citizen of a democracy should be as wary and as wise as the present time demands.

The wise citizen understands how intimately his own welfare is bound up with that of all his fellows; how closely his freedom and his happiness depend upon the freedom and happiness of all. He studies the obstacles in the path of good government in order to help remove them; he gives attention to every new proposal for improvement in methods and structures of government in order that he may help to inaugurate in his own city those innovations of which his judgment approves. He believes in democracy, in the inherent goodness of men, in himself, and in the existence of a Power which makes for righteousness.





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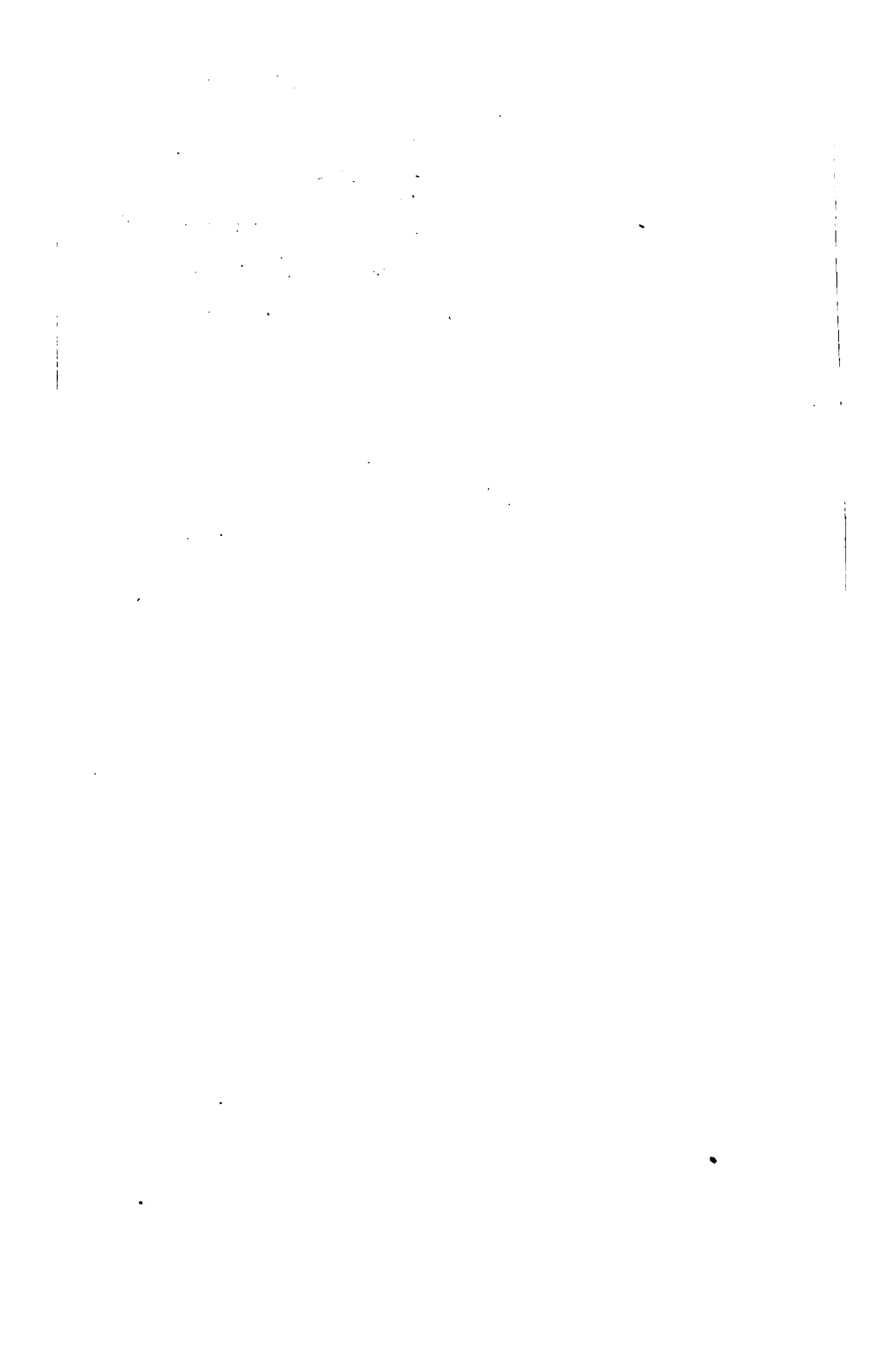
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